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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF

THE TERRITORY OF OREGON:

DURING THE

SIXTH REGULAR SESSION OF THE LEGISLATIVE ASSEMBLY,

BEGUN AND HELD

AT SALEM, DECEMBER 4, 1854,

In the seventy-ninth year of the Independence of the United States.

CORVALLIS, OREGON:
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1855.

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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES.

MONDAY, DECEMBER 4, 1854

PURSUANT to law, the sixth regular session of the House of Representatives of the Territory of Oregon was convened this day at Salem, in said Territory.

The House was called to order by Mr. Lovejoy, of Clackamas.

On motion,

Mr. Holmes, of Polk, was appointed Speaker, *pro tem.*, and Victor Trevitt, Clerk, *pro tem.*

On motion of Mr. Lovejoy,

A committee of three was appointed to examine and report on credentials.

The following gentlemen were appointed:

Messrs. Lovejoy, of Clackamas, Smith, of Linn, and Butler, of Polk.

On motion,

House adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 5, 1854.

The House met pursuant to adjournment.

Journal of yesterday was read.

Mr. Lovejoy, from the committee on credentials, reported the following gentlemen duly elected:

G. W. Coffinbery, *Clatsop county;*
E. S. Tanner, *Washington county;*
D. H. Belknap, *Washington county;*
A. J. Hembree, *Yamhill county;*
A. G. Henry, *Yamhill county;*
H. N. V. Holmes, *Polk county;*
Ira F. M. Butler, *Polk county;*
Wayman St. Clair, *Benton county;*
R. B. Hinton, *Benton county;*
L. F. Cartee, *Clackamas county;*
W. A. Starkweather, *Clackamas county;*
A. L. Lovejoy, *Clackamas county;*
C. P. Crandall, *Marion county;*
R. C. Geer, *Marion county;*
N. Ford, *Marion county;*
Luther Elkins, *Linn county;*
Delazon Smith, *Linn county;*
Hugh L. Brown, *Linn county;*
A. W. Patterson, *Lane county;*
Jacob Gillespie, *Lane county;*
James F. Gazley, *Douglas county;*
Patrick Dunn, *Jackson county;*
Alexander McIntire, *Jackson county;*
Orlando Humason, *Wasco county.*

The report was read and accepted.

On motion of Mr. Lovejoy,

Judge C. N. Terry administered the oath of office to the members elect.

On motion of Mr. Smith,

The House proceeded to the election of Speaker, Messrs. Ford and Butler acting as tellers.

Whole number of votes cast, 18.

L. F. Cartee, having received the whole number, was declared duly elected, and was conducted to the chair by Messrs. Smith and Gazley.

On motion of Mr. Lovejoy,

The oath of office was administered to the Speaker elect by Judge C. N. Terry.

On motion of Mr. Lovejoy,

The House proceeded to the election of chief clerk, Messrs. Humason and Butler acting as tellers.

Whole number of votes cast, 19.

Victor Trexitt, having received the whole number of votes cast, was declared duly elected.

On motion,

The House proceeded to the election of assistant clerk; same tellers as before.

Whole number of votes cast, 17.

James Elkins, having received all the votes cast, was declared duly elected.

On motion,

The House next proceeded to the election of enrolling clerk; same tellers.

Whole number of votes cast, 18.

G. M. Hammond, having received the whole number of votes cast, was declared duly elected.

On motion,

The House proceeded to the election of sergeant-at arms; same tellers.

Whole number of votes cast, 19, of which number,

Geo. L. Russell received	18
Blank,	1

Mr. Russell, having received a majority of all the votes cast, was declared duly elected.

On motion,

The House proceeded to the election of door-keeper; same tellers as before.

Whole number of votes cast, 20, of which number,

A. Blevins received	18
—— Hill received	1
—— Moore received	1

Mr. Blevins, having received a majority of votes cast, was declared duly elected.

The Speaker then proceeded to administer the oath of office to the officers elect.

Mr. Humason moved that a committee of three be appointed to draft rules for the government of this House.

Messrs. Humason, Elkins and Lovejoy were appointed said committee.

Mr. Smith offered for adoption the following resolution (H. R. 1):

Resolved, That the rules of the last session be adopted for the government of this House, until the committee on rules report, and such report be adopted.

Adopted.

Mr. Smith offered for adoption the following resolution (H. R. 2):

Resolved, That the Secretary of this Territory be, and he is hereby authorized and respectfully requested to furnish each member of this House with a copy of the new Code of Laws, and also a copy of the Journals of the last House of Representatives.

Adopted.

On motion,
The House adjourned to meet at half-past one o'clock, P. M.

AFTERNOON SESSION.

House met pursuant to adjournment.
On motion of Mr. Humason,
The following resolution (H. R. 3) was adopted:

Resolved, That the Council be informed that the House of Representatives has been organized by electing L. F. Cartee, of Clackamas, Speaker; Victor Trevitt, chief clerk; James Elkins, assistant clerk; G. M. Hammond, enrolling clerk; Geo. L. Russell, sergeant-at-arms; and Alex. Blevins, door-keeper, and is now ready to proceed to business.

Mr. Smith offered for adoption the following resolution (H. R. 4):

Resolved, That Patrick Malone be admitted within the bar of the House as reporter for the "Oregon Statesman," and that Orlando Jones be admitted within the House as reporter for the "Weekly Oregonian."

Mr. Lovejoy moved to amend by inserting after the word "Oregonian," "and such other persons as desire to report for any other of the public journals within this Territory, by first obtaining leave of the Speaker."

This resolution, as amended, was adopted.

Mr. Smith offered for adoption the following resolution (H. R. 5):

Resolved, That the chief clerk of this House be instructed to procure and furnish to each member of the House six copies of such newspaper or newspapers, published in this Territory, as each member may designate; and also that the said clerk furnish a like number of said newspapers to each officer of this House during the period of the session.

Mr. Henry moved to amend as follows:

"That each member and officer be furnished a copy of the several papers published in the Territory during the sitting of the Legislature."

The question being upon the amendment, the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Henry, McIntire, St. Clair and Tanner—4.

Nays—Messrs. Belknap, Butler, Brown, Crandall, Coffinbery,

Dunn, Elkins, Ford, Gazley, Geer, Gillespie, Humason, Hinton, Holmes, Lovejoy, Smith, Starkweather, and Mr. Speaker—18.

So the amendment was lost.

The question being upon the passage of the original resolution, the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Balknap, Butler, Brown, Coffinbery, Crandall, Dunn, Elkins, Ford, Gazley, Geer, Gillespie, Humason, Holmes, Lovejoy, Smith, Starkweather, and Mr. Speaker—17.

Nays—Messrs. Henry, McIntire, and St. Clair—3.

So the resolution was adopted.

Message from the Council, by Mr. Genois, their clerk:

Mr. Speaker: I am directed by the President to inform you that the Council is now organized, having elected James K. Kelly, President; B. Genois, chief clerk; James Costello, assistant clerk, M. C. Edwards, enrolling clerk; John K. Delashmutt, sergeant-at-arms; and James L. Gwinn, door-keeper, and are now ready to proceed to business.

Message from the Council, by Mr. Genois, their clerk:

Mr. Speaker: I am directed by the President to inform you that the following resolution was adopted by the Council:

Resolved by the Council, the House concurring, That a committee of two be appointed on the part of the House, to wait on his Excellency the Acting Governor, and inform him that the two Houses of the Legislative Assembly of the Territory of Oregon are duly organized and have proceeded to business.

On motion of Mr. Elkins,

The House concurred in Council Joint Resolution No. 1.

Messrs. Humason and Smith were appointed said committee on the part of the House.

Mr. Geer offered the following resolution (H. J. R. 1), which was adopted:

Resolved, That a committee of three on the part of the House be appointed, to act with a like committee on the part of the Council, to draft and report joint rules for the government of the two Houses.

Messrs. Geer, Smith, and Holmes were appointed said committee.

On motion,

The House adjourned until to-morrow at ten o'clock, A. M.

WEDNESDAY, DECEMBER 6, 1854.

The House met pursuant to adjournment.

The journal was read and corrected.

Mr. Ladd, of Umpqua, appeared and was sworn by the Speaker, and took his seat.

The following standing committees were announced by the Speaker:

Ways and Means—Messrs. Smith, Belknap, and Drew.
Judiciary—Messrs. Lovejoy, Smith, Logan, Crandall, and Gazley.
Elections—Messrs. Elkins, Tanner, and Hmton.
Education—Messrs. Henry, Starkweather, and Butler.
Claims—Messrs. Holmes, Ford, and Brown.
Military Affairs—Messrs. Drew, Humason, and Hembree.
Roads and Highways—Messrs. Geer, St. Clair, and Starkweather.
Engrossed Bills—Messrs. Crandall, Gazley, and Ladd.
Enrolled Bills—Messrs. Coffinbery, Patterson, and St. Clair.
Indian Affairs—Messrs. Humason, Walker, and Gillespie.
Commerce—Messrs. Ladd, McIntire, and Dunn.
Printing—Messrs. Hembree, Crandall, and Humason.
Corporations—Messrs. Belknap, Dunn, and Elkins.
Counties—Messrs. McIntire, Patterson, and Brown.

Mr. Lovejoy offered for adoption the following resolution (H. R. 5):

Resolved, That on the first reading of bills originating in this House, the clerk thereof shall be required to procure the printing of sixty copies for the use of the same, unless otherwise ordered.

Adopted.

Mr. Humason, from the committee appointed to draft rules for the government of the House, reported the rules of the last session without amendment.

[See Appendix.]

Mr. Crandrall offered the following resolution (H. R. 6):

Resolved, That one hundred copies of the Rules of the House be printed for the use of the members.

Adopted.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am directed by the President to inform you that the Council have concurred with the House in the adoption of House Joint Resolution to draft joint rules for the government of both Houses, and has appointed Messrs. Peebles, Phelps, and Cleaveland on the part of the Council.

Mr. Belknap offered the following resolution (H. R. 7):

Resolved, That the ministers of the different religious denominations be requested to open the deliberations of this House with prayer.

Mr. Crandall moved to lay the resolution on the table.

Upon which question the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Coffinbery, Crandall, Gazley, Geer, Humason, Lovejoy, Patterson, Starkweather, and Mr. Speaker—9.

Nays—Messrs. Belknap, Butler, Brown, Dunn, Elkins, Ford, Gillespie, Hembree, Henry, Hinton, Holmes, Ladd, McIntire, Smith, St. Clair, and Tanner—16.

So the motion to lay on the table was lost.

Mr. Crandall moved to amend the resolution as follows:

Insert after the word "denominations," "except such as advocate the Maine Law."

The amendment was lost.

Mr. Ford moved to amend by striking out "be requested to," and insert the word "may."

Upon which question the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Coffinbery, Crandall, Elkins, Ford, Gazley, Geer, Hembree, Humason, Lovejoy, Patterson, and Mr. Speaker—11.

Nays—Messrs. Belknap, Butler, Brown, Dunn, Gillespie, Henry, Hinton, Holmes, Ladd, McIntire, Smith, Starkweather, St. Clair, and Tanner—14.

So the question was lost.

Pending the main question,

The House took a recess, till 2 o'clock, P. M.

AFTERNOON SESSION.

The question being on the passage of the original resolution,

Mr. Humason moved to amend as follows:

Insert after the word "prayer," the words "and shall receive three dollars per day for such services—the sum to be paid by a tax levied upon the members."

Mr. Coffinbery moved to indefinitely postpone the amendment;

Which motion was carried.

Mr. Humason moved the indefinite postponement of the original resolution.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Butler, Coffinbery, Crandall, Dunn, Elkins, Ford, Gazley, Geer, Hembree, Humason, Ladd, Lovejoy, McIntire, Patterson, Starkweather, and Speaker—16.

Nays—Messrs. Belknap, Brown, Gillespie, Henry, Hinton, Holmes, Smith, St. Clair, and Tanner—9.

So the resolution was indefinitely postponed.

Mr. Ford offered the following resolution (H. R. 8):

Resolved, that the door-keeper be instructed, to keep the hall of the House open from 8 o'clock in the morning till 10 o'clock in the evening of each day while the House is in session, Saturday evenings and Sundays excepted.

Adopted.

Mr. Crandall presented the report of the Territorial Treasurer,

[See Appendix.]

Which, after being read, was,

On motion,

Referred to a select committee of three.

Messrs. Crandall, Smith, and Starkweather were appointed said committee.

One hundred copies were ordered to be printed for the use of the House.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am directed by the President to inform you that Messrs. Peebles and Fulkerson are appointed a committee on joint resolution No. 1.

Mr. Elkins offered the following resolution (H. R. 9):

Resolved, That, until otherwise ordered by the House, the morning session shall commence at ten o'clock, and the afternoon session at two o'clock.

Adopted.

Mr. Smith, from the select committee on the part of the House, appointed to inform the Governor "that the Legislative Assembly is now organized," reported that they have performed the duty enjoined upon them by C. J. R. No. 1, and ask to be discharged.

Mr. Humason offered the following resolution (H. R. 10):

Resolved by the House of Representatives of the Territory of Oregon, That the Governor be, and he is hereby respectfully

requested to furnish the House with all correspondence and information in his possession relative to the Snake Indian difficulty.

Adopted.

On motion of Mr. Crandall,

The House adjourned.

THURSDAY, DECEMBER 7, 1854.

House met pursuant to adjournment.

Absent—Messrs. Ford, Hembree, Henry, and St. Clair.

Mr. Crandall presented a petition from Geo. H. Williams and 82 others, praying the relocation of a territorial road from Oregon City to Salem, which passed the Legislative Assembly January, 1851.

On motion of Mr Crandall,

The petition was referred to the committee on roads and highways.

Mr. Geer, from the committee on joint rules for the government of the two Houses, reported rules of last session without amendment.

[See Appendix.]

Report accepted and committee discharged.

Mr. Smith gave notice that he would, on some subsequent day of the session, ask leave to introduce a bill for the organization of counties into townships for judicial purposes.

Mr. Lovejoy gave notice that on some subsequent day of the session he would introduce a bill to create the office of county surveyor, and for other purposes.

Mr. Gillespie gave notice that on some subsequent day of the session he would introduce a bill for surveying and establishing lines between the counties of Linn and Lane.

Mr. Coffinbery gave notice that on some subsequent day of the session he would introduce a bill to amend an act entitled "An act to organize the county of Tillamook."

Mr. Smith offered the following resolution (H. R. 11):

Resolved, That the chief clerk of the House procure one hundred copies of the joint rules to be printed for the use of the House.

Adopted.

Mr. Elkins gave notice that he would, on some subsequent day of the session, introduce a bill to amend an act entitled "An act relating to county commissioners, their powers and duties."

Mr. Gazley gave notice that he would, on some subsequent day of the session, introduce a bill for the election of the judges of election by the people.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am directed by the President to inform you that the Council has adopted the report of the committee to draft joint rules for the government of the two Houses.

Mr. Elkins gave notice that on some subsequent day of the session he would introduce a bill to amend an act entitled "An act relating to county prisons and their regulations."

Mr. Butler gave notice that he would, on some subsequent day of the session, introduce a bill amendatory to an act entitled "An act regulating the fees of certain officers, and other persons."

Mr. Geer gave notice that on some subsequent day of the session he would introduce a bill amendatory to "An act relating to roads and ferries."

Mr. Gillespie gave notice that on some subsequent day of the session he would introduce a bill requiring the superintendent to defer the distribution of the common school fund of Lane county.

Mr. Starkweather gave notice that on some subsequent day of the session he would introduce a bill to amend an act entitled "An act relative to roads, ferries, and supervisors."

Mr. Patterson gave notice that on some subsequent day of the session he would introduce a bill amendatory to "An act relating to the granting of licenses for the sale of spirituous liquors, &c."

On motion,

The House adjourned.

AFTERNOON SESSION.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am directed by the President to inform you that the Council has passed the following joint resolution:

C. J. R. 3. Requesting the Governor to furnish such information as in his power concerning recent Indian difficulties in Snake river valley, and relative to the Hudson Bay Company and other traders furnishing Indians with arms and ammunition.

On motion of Mr. Lovejoy,

The resolution was laid on the table.

Mr. Humason, on leave, presented House Memorial No. 1, which was read a first time.

Mr. Holmes gave notice that on some subsequent day of the session he would introduce a bill amendatory to "An act relating to the assessment and collection of taxes."

On motion,

The House adjourned.

FRIDAY, DECEMBER 8, 1854.

The House met pursuant to adjournment.

Absent—Messrs. Hembree and Tanner.

On motion of Mr. Holmes,

Leave of absence was granted to Mr. Hembree.

On motion of Mr. Henry,

Leave of absence was granted to Mr. Tanner.

The journal was read and corrected.

Mr. Lovejoy presented a petition from Mary Ann Hunter, praying to be divorced from her husband, James H. Hunter.

Referred to the judiciary committee.

Mr. Holmes presented a petition from James Ogle, praying for relief.

Referred to committee on claims.

Mr. Cox, from the committee on roads and highways, having had under consideration the petition of Geo. H. Williams and eighty-three others, citizens of Marion county, reported the same back by bill:

H. B. 1. A bill to locate a portion of the territorial road from Salem in Marion county, to Oregon City, in Clackamas county.

Read the first time.

Mr. Smith gave notice that on some subsequent day of the session he would introduce a bill relating to elections, and providing for the election of all officers by a *viva voce* vote, as a substitute for the ballot.

Also, a bill to take the sense of the people on the formation of a State government.

Mr. Crandall gave notice that on some subsequent day of the session he would introduce a bill to change the names of Alice Morrison and Julia Gertrude Manning.

Mr. Lovejoy offered H. J. R. 2. Relative to the late massacre of the Ward family and others by the Snake Indians, and requesting the Governor to communicate any plans or suggestions by which the perpetrators might speedily be brought to justice.

Mr. Lovejoy offered the following resolution (H. R. 12):

WHEREAS, at the general election of this Territory, in June last, the county of Columbia, in said Territory, failed to elect their Representative;

AND WHEREAS, on the 10th of November last, the legal voters of said county of Columbia, together with the voters of Washington county, pursuant to writ of election to elect a Councilman for said Council district, occasioned by the resignation of Hon. Ralph Wilcox, the legal voters of said Columbia county proceeded to elect a Representative to represent them in the Legislative Assembly; therefore,

Resolved, That although the voters of said county of Columbia failed to elect their Representative at the general election, and having elected J. B. Condon to represent them in said Assembly, at the said election of Councilman of said district, that he be permitted to be sworn in and to take his seat as the member elect from said county of Columbia.

Referred to committee on elections.

Mr. Smith introduced a bill—

H. B. 2. A bill providing for the organization of townships.

Read a first time.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am directed by the President to inform you that the Council has passed the accompanying joint resolution—

C. J. R. 6. Relative to the mail arrangements in Southern Oregon;

And it is herewith transmitted for your concurrence.

On motion,

C. J. R. 6 was adopted.

Mr. Elkins, from the committee on elections, reported back H. R. 12, and recommended its passage.

Which report was agreed to, and

The resolution passed.

Mr. Condon, of Columbia, appeared, was sworn in by the Speaker, and took his seat.

Mr. Lovejoy introduced a bill—

H. B. 3. A bill creating the office of county surveyor.

Read a first time.

Mr. Lovejoy gave notice that on some subsequent day of the session he would introduce a bill to locate a territorial road, leading from Salem, in Marion county, to Philip Foster's, in Clackamas county.

Also, a bill to authorize the county commissioners of Clackamas county to pay over the residue of the jail tax to the treasurer of said county, for the use and benefit of said county.

Mr. Belknap offered the following resolution (H. R. 13):

Resolved, That when we adjourn we adjourn till Monday, 10 o'clock, A. M.

Adopted.

On motion,

The House adjourned.

MONDAY, DECEMBER 11, 1854

The House met pursuant to adjournment.

Absent—Messrs. Coffinbery, Geer, McIntire, and Starkweather.

Mr. Belknap introduced Mr. Logan, of Washington, who appeared and was sworn in by the Speaker, and took his seat.

Mr. Coffinbery presented a petition from W. H. Gray, of Astoria, asking the privilege of extending his wharf a certain distance into the Columbia river opposite his warehouse.

Referred to committee on corporations.

Mr. Henry gave notice that on some subsequent day of the session he would introduce a bill to make available at the earliest practicable period, the lands donated by Congress for common school purposes.

Also, a bill to change the character of the contemplated Territorial University, with a view of meeting a great want of community, that is not, and cannot be met by the present university or college system.

Mr. Crandall, on leave, presented—

H. J. R. 4. Providing that hereafter the names of legislators and federal officers shall be prefixed to laws, &c.

Read a first time.

H. B. 1 was read a second time, and ordered to be engrossed and read a third time to-morrow.

H. M. No. 1 was read a second time.

On motion,

The rules were suspendeed, and the memorial was read a third time and passed.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am instructed by the President to inform you that the Council concur with the House in the passage of the accompanying—

H. J. R. 2. Concerning the Snake river massacre;

And it is herewith transmitted for enrollment.

Mr. Gazley gave notice that on some subsequent day of the session he would introduce a bill to amend an act entitled "An act to create and regulate the office of prosecuting attorney.

Mr. McIntire gave notice that on some subsequent day of the session he would introduce a memorial to Congress, asking the creation of a land office, to be located at some point south of the Calapooia mountains.

Mr. Coffinbery, on leave, presented a petition from H. C. Foljambe and 24 others, citizens of Clatsop county, praying that a portion of that county may be attached to Columbia county.

On motion of Mr. Coffinbery,

Laid on the table.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am directed by the President to inform you that he has appointed Messrs. Peebles and Phelps as a joint committee on enrolled bills on the part of the Council, in pursuance of joint rule No. 3.

Messrs. Butler and Condon were appointed said committee on part of the House.

Mr. Patterson offered—

H. J. R. 4. Providing for the establishing of a mail route from Starr's Point, in Benton county, to Winchester, via. Eugene City and Coast Fork of the Willamette river, direct to Winchester.

Adopted.

Mr. Starkweather gave notice that on some subsequent day of the session he would introduce a bill providing for the sale of the school lands of Oregon Territory.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am directed by the President to inform you that the Council concur with the House in the passage of

H. M. No. 1. To re-establish the mail route from Columbia City to Fort Dalles, in Wasco county;

And the same is herewith transmitted for enrollment.

Mr. Belknap gave notice that on some subsequent day of the session he would introduce a bill providing a general law relating to the removal of county seats by the counties.

A message was received from the Governor, by the hands of Mr. Terry, his secretary, in accordance with the resolution of the House, asking for information regarding the late depredations committed by the Snake Indians upon the emigrant route near Fort Boise.

Mr. Gillespie gave notice that on some subsequent day of the session he would introduce a bill for the incorporation of a board of trustees for Pacific College, located at Eugene City.

Mr. Gillespie presented a bill—

H. B. 4. To review and amend an act entitled "An act to survey and mark out the south line of the county of Linn;"

Which was read a first time, and referred to a select committee—Messrs. Elkins, Gazley, and Holmes.

Also, H. B. 5. Entitled "An act requiring the superintendent of common schools of Lane county to defer and distribute said funds;"

Which was read a first time, and referred to a select committee—Messrs. Gillispie, Smith, and Henry.

Mr. Humason offered the following resolution (H. J. R. 5):

Resolved by the House, the Council concurring, That our delegate in Congress be and he is hereby requested to use his influence with the Congress of the United States to secure the payment, by the

quarter-master or pay-master at Fort Dalles, of the debts incurred in mounting and equipping the volunteers engaged in the expedition against the We-Net or Snake Indians, and also for the speedy payment of the volunteers for services rendered in this expedition.

Adopted.

Mr. Henry gave notice that on some subsequent day of the session he would introduce a bill to amend the present school law, viz: to change the time of apportioning the money in the treasuries of the different counties among the several school districts, and to restrict the power given to the voters of the school districts to levy taxes for school purposes.

On motion,

The House adjourned.

AFTERNOON SESSION.

The Speaker laid before the House the report of Mr. Huber, the University land commissioner.

Which was read and laid on the table, and ordered to be printed.

[See Appendix.]

Mr. Crandall presented the report of Milton Shannon, territorial librarian,

Which was laid on the table, and one hundred copies ordered to be printed for the use of the House.

[See Appendix.]

Mr. Butler, from the committee on enrolled bills, reported C. J. R. 6 as truly enrolled.

Mr. Lovejoy gave notice that on to-morrow he would move an amendment to the 8th rule in the rules for the government of the House.

Mr. Smith presented a bill—

H. B. 6. To substitute the *viva voce* vote for the ballot mode of voting.

Read a first time.

Mr. Lovejoy presented a bill—

H. B. 7. To locate a territorial road leading from Salem to Philip Foster's, in Clackamas county,

Which was read a first time.

Message from the Council, by Mr. Genois, their clerk:

Mr. SPEAKER: I am directed by the President to inform you that he has signed—

C. J. R. 6. Concerning the delivery of mails by sea into Port Umpqua, and the establishment of a post route from Scottsburg to Deer Creek,

The same having been reported truly enrolled; and it is herewith transmitted for your signature.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am directed by the President to inform you that the Council have concurred with the House in the adoption of the following joint resolutions:

H. J. R. 4. Concerning a mail route from Starr's Point, in Benton county, to Winchester, in Douglas county.

H. J. R. 5. Concerning the payment of expenses incurred in the expedition against the Snake River Indians;

And the same is herewith transmitted for enrollment.

The Speaker announced that he had signed—

C. J. R. 6. Relative to the delivery of the United States mails at Port Umpqua.

Mr. Henry offered the following resolution (H. R. 13):

Resolved, That the committee on counties be instructed to inquire into the propriety of annexing a strip of half a mile on the north side of Polk to Yamhill county, and to report by bill or otherwise.

Adopted.

Mr. Smith offered the following resolution (H. R. 14):

Resolved, That the committee on the judiciary be and they are hereby instructed to inquire into the expediency of amending or repealing the statute regulating the formation of juries, and the said committee report by bill or otherwise.

Adopted.

Leave of absence was granted to Mr. Ladd.

Mr. Holmes offered the following resolution (H. R. 15):

Resolved, That the committee on counties be instructed to inquire into the propriety of relinquishing to Polk county a strip of land one-half mile wide off the southern side of Yamhill county.

Adopted.

On motion,

The House adjourned.

TUESDAY, DECEMBER 12, 1854.

House met pursuant to adjournment.

Absent—Messrs. Logan and Starkweather.

Journal was read and corrected.

Mr. Lovejoy presented a petition from Dr. Pettingill and 264

others, citizens of Oregon Territory, praying the Legislature to memorialize Congress to provide immediate means for the safety of emigrants, by establishing military posts on the route, &c.

Which was read and referred to a select committee of three.

Messrs. Lovejoy, Smith, and Elkins were appointed said committee.

Mr. Hembree presented a petition from N. Huber and 78 others, praying that a territorial road be opened from Portland, via. Lafayette, to Corvallis,

Which was read and referred to a select committee of three.

Messrs. Hembree, Starkweather, and Butler were appointed said committee.

Mr. Coffinbery presented a petition for the relief of Samuel T. McKean.

Referred to a select committtee of three.

Messrs. Coffinbery, Henry, and Lovejoy were appointed said committee.

Mr. Crandall presented a petition from B. F. Harding and 14 others, praying that the two mills tax revenue accruing to the common school fund be retained in the county treasury, to be used for county purposes, and particularly to liquidate the present county debt.

Referred to the committee to which was referred H. B. 5.

Mr. Holmes, from the committee on claims, reported back the petition of James Ogle, praying for relief, and reported adverse to the prayer of the petitioner.

The report was agreed to, and committee discharged.

Mr. Lovejoy, from the majority of the committee on judiciary, reported adverse to the petition of Mary A. Hunter, praying for a divorce.

Laid on the table.

One hundred copies were ordered to be printed for the use of the House.

[See Appendix.]

Mr. Gazley, from the minority of the same committee, reported in favor of the petitioner.

Laid on the table, and

One hundred copies ordered to be printed for the use of the House.

[See Appendix.]

H. J. R. 3 was read a second time, and ordered to be engrossed and read a third time to-morrow.

H. B. 2 was read a second time, and,

On motion,

Was referred to committee of the whole.

H. B. 1 was read a third time and passed.

Mr. Lovejoy presented a bill—

H. B. 8. A bill to dispose of the jail fund of Clackamas county.

Read a first time.

On motion of Mr. Holmes,
The House went into committee of the whole on H. B. 2,
Mr. Humason in the chair—
And after some time spent therein, the committee rose, and reported as follows:

The committee of the whole House, to which was referred H. B. 2, beg leave to report that they have had the same under consideration, and report progress, and ask leave to sit again.

On motion,
The House adjourned.

AFTERNOON SESSION.

Mr. McIntire presented a memorial—
H. M. 2. Relative to establishing a Register and Receiver's Office south of the Calapooia mountains.
Read a first time.
On motion of Mr. Henry,
The memorial was laid on the table and ordered to be printed.
The Speaker laid before the House the report of the Territorial Auditor.

[See Appendix.]

On motion of Mr. Lovejoy,
The report was laid on the table, and ordered to be printed.
Mr. Lovejoy moved to strike out so much of the 8th general rule as refers to committee on enrolled bills;
Which was agreed to.
Mr. Crandall, presented a bill—
H. B. 9. A bill changing the names of Alice Manning and Julia Gertrude Manning.
Read a first time.
Mr. Coffinbery presented a bill—
H. B. 10. A bill defining the boundary lines of Clatsop county.
Read a first time.
Mr. Elkins, from the select committee to which was referred H. B. 4, reported the same back, with amendment;
Which was agreed to.
On motion of Mr. Lovejoy,
The House resolved itself into committee of the whole on unfinished business before said committee (H. B. 3),
Mr. Humason in the chair—
Aftere some time spent therein, the committee rose and reported the same back, with the following amendments:

1. Strike out, in section one, all after the word "in," in the second line, to the word "they," in the fourth line, and insert the

following: "Any county may, at any general election, submit to the voters of their county the question of township organization; and if a majority of the qualified voters of any county shall vote "Township organization," the commissioners of said county shall proceed to divide the county into townships in the following manner."

Which amendment was adopted.

2. In section three, strike out the word "April," and insert "June."

Which was adopted.

3. Strike out section five entire.

The question being, "Shall the third amendment be adopted?"

The yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Butler, Condon, Ford, Gillespie, Hembree, Henry, Hinton, Holmes, Logan, McIntire, Patterson, and St. Clair—12.

Nays—Messrs. Belknap, Brown, Coffinbery, Crandall, Dunn, Elkins, Gazley, Geer, Humason, Lovejoy, Smith, Starkweather, and Speaker—13.

So the third amendment was rejected.

On motion,

The House adjourned.

WEDNESDAY, DECEMBER 13, 1854.

The House met pursuant to adjournment.

Absent—Messrs. Coffinbery, Dunn, and Logan.

Mr. Hembree presented a petition from Morris Wolfe and 79 others, citizens of this Territory, praying for the establishment of a territorial poor house, and recommending the town of Lafayette, Yamhill county, as a suitable point for its location.

Referred to a select committee.

Messrs. Hembree, Humason, and Dunn were appointed said committee.

Mr. Gillespie, from the select committee to which was referred H. B. 5, reported the same back with amendment.

The report of the committee was agreed to, and H. B. 5 was referred to committee of the whole.

Mr. St. Clair gave notice that he would, on some subsequent day of the session, introduce a bill to amend the revenue law in relation to the collection of the revenue, by requiring the taxpayer to pay directly to the treasurer, thereby saving the four per cent. now paid to the sheriffs.

Mr. Coffinbery gave notice that on some subsequent day of the

session he would introduce a bill to create the office of public administrator within and for the several counties in this Territory.

Mr. Lovejoy gave notice that on some subsequent day of the session he would introduce a bill to create a homestead, the same to be exempt from execution.

H. B. 3. A bill creating the office of county surveyor,

Read a second time, and

Referred to committee of the whole.

H. B. 4. To establish the line between Linn and Lane counties,

Read a second time, and

Ordered to be engrossed and read a third time to-morrow.

H. B. 6. To substitute the *viva voce* vote for the ballot mode of voting.

Read a second time, and

Referred to committee of the whole.

H. B. 7. A bill to locate a territorial road from Salem to Philip Foster's, in Clackamas county.

Read a second time,

Referred to committee on roads and highways.

H. B. 8. A bill to dispose of the jail fund of Clackamas county.

Read a second time, and

Ordered to be engrossed and read a third time to-morrow.

The committee to which was referred the petition of B. F. Harding and others, reported the same back adverse to the prayer of the petitioners.

Adopted.

The Speaker laid before the House the report of the Willamette Falls Transportation Company.

Laid on the table, and sixty copies ordered to be printed.

[See Appendix.]

On motion,

The House resolved itself into committee of the whole—

Mr. Holmes in the chair—

After some time spent therein, the committee rose, and,

On motion,

The House adjourned.

AFTERNOON SESSION.

Mr. Elkins presented a petition from H. M. Brown and 13 others, praying the Legislature to legalize the marriage of Peter Smith, of Linn county.

Referred to the judiciary committee.

Mr. Henry gave notice that on some subsequent day of the session he would introduce a bill to prohibit the manufacture and sale of all intoxicating drinks, with a provision for submitting the law to a vote of the people of the whole Territory at the next general election.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am directed by the President to inform you that the within—

H. B. 1. An act to relocate a portion of the territorial road from Salem, in Marion county, to Philip Foster's, in Clackamas county,

Has passed the Council with the accompanying amendments, and they are herewith transmitted for your concurrence.

The House concurred in Council amendments Nos. 1, 2, and 3, to H. B. 1, but refused to concur in Council amendment No. 4 to same bill.

Mr. Brown gave notice that on some subsequent day of the session he would introduce a bill to review an act entitled "An act to locate a territorial road from Salem, in Marion county, to Eugene City, in Lane county.

Mr. Holmes, on leave, presented a bill—

H. B. 11. A bill to enlarge the powers of the clerks of the district and supreme courts.

Read a first time.

On motion of Mr. Smith,

H. B. 2. A bill for the organization of townships,

Was taken up.

Mr. Smith moved to strike out, in section five, lines two and three, "two overseers of the poor, three fence viewers."

Agreed to.

Mr. Smith moved to strike out, in section seven, line six, the words, "for each animal."

Agreed to.

Mr. Elkins moved to strike out the twelfth section entire.

Agreed to.

Mr. Smith moved to strike out the thirteenth section entire.

Agreed to.

Mr. Elkins moved to strike out the fifteenth section entire.

Agreed to.

Mr. Geer moved to strike out, in section eleven, line two, the words, "overseers of the poor;" also, in the same section, third line, the words, "overseers of the poor."

Agreed to.

Mr. Coffinbery moved to strike out the nineteenth section entire.

Agreed to.

Mr. Crandall moved to strike out, in section eighteen, line one, all after the word "commissioners," to the word "they," in second line, and insert the words, "shall be petitioned by a majority of the voters in any township, for a change in the size or boundaries of said township."

Agreed to.

Mr. Holmes moved to strike out section twenty-seven entire, and insert the following:

"This act to take effect from and after May 1st, 1901."
Which was lost.
Mr. Logan moved to strike out all after the enacting clause.
Pending which motion,
The House adjourned.

THURSDAY, DECEMBER 14, 1854.

House met pursuant to adjournment.
Absent—Mr. McIntire.
The journal was read.
Mr. Crandall presented a petition from Wm. J. Herron, late sheriff of Marion county, praying for relief.
On motion of Mr. Crandall,
Referred to committee on claims.
Mr. Crandall presented a petition from Titus Smith and 14 others, praying for the reduction of the fees of justices and constables.
Referred to the judiciary committee.
Mr. Crandall, from the committee on engrossed bills, reported H. B. 6, H. B. 8, and H. J. R. 3, as truly engrossed.
Mr. Butler, from the committee on enrolled bills, reported H. M. 1, H. R. 4, H. J. R. 2, and H. J. R. 5, truly enrolled.
H. B. 9 was read a second time.
Mr. Crandall offered the following amendment:
"Sec. 4. This act to take effect and be in force from and after its passage."
Adopted.
On motion of Mr. Lovejoy,
H. B. 9 was ordered to be engrossed and read a third time to-morrow.
H. B. 10 was read a second time, and
Ordered to be engrossed and read a third time to-morrow.
H. B. 4. A bill to revive and amend an act entitled "An act to survey and mark the south line of the county of Linn,"
Was read a third time and passed.
H. B. 8. A bill to dispose of the jail fund of Clackamas county,
Was read a third time and passed.
H. J. R. 3. Relative to prefixing the names of members and officers of the Legislature to laws, &c.,
Was read a third time and passed.
Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am directed by the President to inform you that the Council has passed the accompanying joint resolution—
C. J. R. 4. Requesting our Delegate to use his endeavors to

obtain an appropriation for the indebtedness of the late Provisional Government of Oregon,

And the concurrence of the House is requested.

On motion of Mr. Lovejoy,

C. J. R. 6 was concurred in.

Mr. Butler gave notice that on some subsequent day of the session he would introduce a bill amendatory to "An act defining crimes and misdemeanors, and regulating criminal proceedings."

H. B. 2. For the organization of townships,

Was then taken up.

The question being upon the adoption of the amendment before the House—to strike out all after the enacting clause,

The same was lost.

Mr. Henry moved that the bill be postponed until the second Tuesday in January next.

Lost.

Mr. Logan offered the following amendment:

To amend section twenty-eight—"That any person feeling themselves aggrieved by any order, decision or determination of said township trustees, shall be allowed an appeal from such determination to the district court in which such determination was made, at any time within three months from the making of such order, determination or decision."

Adopted.

Mr. Geer moved to refer H. B. 2 to a select committee.

Lost.

Mr. Holmes moved to indefinitely postpone the bill.

Upon which question the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Butler, Condon, Gillespie, Hembree, Henry, Hinton, Holmes, Logan, and St. Clair—9.

Nays—Messrs. Belknap, Brown, Coffinbery, Crandall, Dunn, Elkins, Ford, Gazley, Geer, Humason, Lovejoy, Patterson, Smith, Starkweather, and Mr. Speaker—15.

So the motion was lost.

Mr. Smith moved to amend as follows:

"That the trustees shall receive two dollars per day for each day actually employed in the discharge of their official duties; and the constable and other officers, by this act created, shall receive such fees as are allowed by statute for like services, out of any funds remaining unappropriated in the township treasury.

"Sec. —. That the trustees be hereby authorized and empowered to levy a tax of one mill upon such property as is, or may be made

taxable for county revenue purposes, to defray the expenses accruing under the township organization."

Adopted.

Mr. Logan moved to amend section twenty-one, third line, after "road," by inserting, "and the constable shall serve a like notice upon the persons over whose lands it is proposed to establish said cartway or private way."

Adopted.

Mr. Geer moved to amend by striking out, in the seventh section, all between the word "trustees," in the second line of said section, and the word "and," in the seventh line of same section; and also, strike out the eighth section entire.

Adopted.

Mr. Smith moved that the bill be engrossed and read a third time to-morrow.

Adopted.

Mr. Crandall offered the following resolutions:

Resolved, That the sergeant-at-arms of this House be directed to obtain and destroy all the printed copies of the Treasurer's report in this House.

Resolved, That the Territorial Printer be required to print one thousand corrected copies of said report for the use of this House.

The question being upon the adoption of the first resolution,

It was decided in the affirmative.

The question then being upon the adoption of the second resolution,

It was decided in the negative.

On motion of Mr. Humason,

Three hundred copies were ordered to be printed.

Mr. Ladd gave notice that on some subsequent day of the session he would introduce a bill to amend an act entitled "An act providing for the holding of the supreme and district courts."

Mr. Crandall, on leave, presented a petition from John C. Cary, of Marion county, praying the Legislative Assembly to legalize his marriage with Sarah Cox, there being doubts existing as to the legality of the same.

Referred to the judiciary committee.

Mr. Holmes, on leave, presented a petition from C. C. Cram and others, praying for the vacation of a road, &c.

Referred to committee on roads and highways.

Mr. Holmes, from the committee of the whole, reported back—

H. B. 6. To substitute the *viva voce* for the ballot mode of voting—with amendment.

On motion,

The House adjourned.

AFTERNOON SESSION.

The question being upon the amendment to H. B. 6,
The same was agreed to.
On motion of Mr. Humason,
H. B. 6 was referred to a select committee of three.
Messrs. Humason, Geer, and Gazley, were appointed said committee.
On motion of Mr. Henry,
The House resolved itself into committee of the whole,
Mr. Holmes in the chair—
After some time spent therein, the committee rose, reported back H. B. 3, without amendment; also, H. B. 5, with amendment;
Which was agreed to, and committee discharged.
On motion of Mr. Henry,
H. B. 3 was referred to a select committee of three.
Messrs. Henry, Geer, and Starkweather, were appointed said committee.
Mr. Lovejoy moved that H. B. 5 be laid on the table and printed.
Agreed to.
Message from the Council, by Mr. Genois, their clerk:

Mr. Speaker: I am directed by the President to inform you that the Council recedes from amendment No. 4 to

H. B. 1. Relative to relocating a portion of the territorial road from Salem, in Marion county, to Oregon City, in Clackamas county;

And it is herewith transmitted for enrollment.

Mr. St. Clair, on leave, presented the following resolution (H. R. 16):

Resolved, That the Secretary of the Territory be requested to furnish this House with a copy of his instructions received from the Department at Washington, in relation to the disbursement of the contingent fund; and whether, in his judgment, it would be compatible with a proper discharge of his duty to pay the postage bills of members of this Legislature during the session.

Lost.

Mr. Gillespie gave notice that on some subsequent day of the session he would introduce a bill to amend an act entitled "An act relating to estrays, or to property lost or claimed."

Mr. Crandall gave notice that on some subsequent day of the session he would introduce a bill to change the time of holding annual elections.

Mr. Smith offered the following resolutions (H. J. R. 6):

WHEREAS, since the close of the last Legislative Assembly of this Territory, a bill has passed the Congress of the United States, received the signature of the President, and become a law of the land, organizing the Territories of Nebraska and Kansas, which has caused much excitement in the public mind, and which contains, in the opinion of this General Assembly, not only a vital principle of republicanism, but one which is of the first importance to the people of the Territories and of the whole Union, as tending to remove from the halls of Congress purely local and domestic questions, the discussion of which in that arena tends only to the excitement, agitation, and disorganization of the country—"alienating one portion of this people from another," and threatening the stability of the Union;

AND WHEREAS, notwithstanding the fact that the act which organized the country which we now represent embraced what is familiarly known as the "Wilmot Proviso," the members of this Legislative Assembly, as freemen, representing the people of a free Territory, deem it preeminently fit and proper that we should express our convictions, wishes, and determinations;

AND WHEREAS, since the adjournment of the last Legislative Assembly of this Territory, other measures of great public concernment have either been enacted, proposed, or agitated—measures and questions which affect, for weal or wo, the people whom we represent, and the nation at large: therefore,

1st. *Resolved*, That this Legislative Assembly highly approve of the late act of Congress organizing the Territories of Nebraska and Kansas; that we hail its several provisions as straight-forward and manly, as soundly republican, and as an advance step towards a full, complete and satisfactory return to first principles and to constitutional law.

2d. *Resolved*, That we greet with especial satisfaction that feature in the bill referred to, which interdicts the interference of Congress in the domestic affairs of the States, and which establishes its inability to legislate slavery into or out of the organized Territories of the nation, but which leaves *the people* of the Territories free to choose and to control their own domestic institutions.

3d. *Resolved*, That, in the judgment of this General Assembly, the people of this, or any other Territory of the nation, would stultify themselves if they *were not* to acquiesce in the doctrine of "squatter soverignty," and that, proclaiming the same judgment, the present inhabitants of this Territory have lost none of their love of country, or of their capacity for self-government, in emigrating from the "States" to this coast, and are, therefore, as capable of, and vastly more interested in, choosing the laws and institutions which they need and will have for their government, than are the people of the States.

4th. *Resolved*, That the people of the Territories "ask for

nothing that is not clearly right, and they submit to nothing wrong;" that we claim for ourselves what we freely concede to our brethren in the States, the *right* to decide for *ourselves* what we will adopt, and what we will *not* adopt, in the government of our local affairs; and, though organized under the Wilmot Proviso, we look upon that portion of our organic act as superceded and rendered null and void by the later provisions of the Nebraska-Kansas bill.

5th. *Resolved*, That, notwithstanding the perfect *constitutional right* of the people of the Territories to establish or adopt the institution of domestic slavery, yet, in our opinion, the laws of nature, climate, soil, production, immigration, interest, and the convictions and will of a large majority of the people of this Territory, and of all the other organized Territories of the Union, are *against* such an establishment, and will conspire to prevent its adoption; and that, therefore, the repeal of what has been called the "Missouri Compromise" will ultimately prove a boon to the cause of freedom.

6th. *Resolved*, That, entertaining the foregoing views, this Assembly has no sympathy for, or confidence in, the many-headed fanaticism of the north and east, but rather look upon it as

> "A monster of such hideous mien,
> That to be hated, needs but to be seen."

7th. *Resolved*, That the late act of the President of the United States, in vetoing the River and Harbor bill, is preeminently worthy the chief executive of this nation, and justly merits the approbation of this Legislative Assembly, and of the country.

8th. *Resolved*, That the River and Harbor bill, referred to in the foregoing resolution, was, and would have been, had it been approved by the President, exceedingly obnoxious to the country; because it contained, amongst other objectional items, the following, to wit: "For completing the custom house at San Francisco, $168,386; for the construction of an appraiser's store, on a portion of the custom house square, at San Francisco, $100,000; for surveying the public lands and private land claims in California, $800,000; for running the northwestern line between the United States and Great Britain, from Lake of the Woods to the Pacific Ocean, and marking the fortieth parallel, $242,180; for continuing the work supplying the cities of Washington and Georgetown with water, $500,000; for completing the bridge over the Potomac river, near the Little Falls, $74,000; for altering the streets, and repairing in front of the east wing of the patent office, $14,259; and $390,000 to the State of California, for the expenses of the government of said State from its organization to its admission into the Union." In the opinion of this Assembly, *such* appropriations ought not to have been embodied in a bill of this character, and that *such* appropriations are thrown in by a corrupt system of log-rolling, because they cannot stand on their own merits.

9th. *Resolved*, That the true policy for the government of Congress in granting appropriations for harbors and rivers, or for

other public improvements, is to make *separate bills* for each appropriation; and that, until this course *is* adopted, neither the individual members of Congress nor the President of the United States can have a proper opportunity of discriminating between the good and bad, and the former could not be lost by an unnatural association with the latter. Until this policy is adopted, we shall conceive it our duty to sustain all legislative and executive officers, who interpose their votes or vetoes to preserve the constitution and national treasury from the greedy and ruthless hands of the latitudinarian constructing and grasping exclusives, of any and every portion of the country.

10th. *Resolved*, That the great national and world-wide importance of a railroad from the valley of the Mississippi to the Pacific coast, demands that the Executive and Congress of the United States should use all the constitutional means within their power to secure the building of said road at as early a day as practicable.

11th. *Resolved*, That this Legislative Assembly have learned, with astonishment and regret, of the existence of a secret organization in the midst of the people of this Territory, composed of men styling themselves, or generally styled "*knownothings*," whose professed object is, through the force of their covert organization, and the power and effect of their secret machinations, to overthrow one of the religious sects of the country, and to curtail the privileges, proscribe and persecute the adopted or naturalized citizens of the Territory and of the nation.

12th. *Resolved*, That we look upon such an organization, as above alluded to, as not only tending to subvert the laws and policy of the government under which we have grown to be a great, powerful, wealthy, and prosperous nation, but as impolitic and dangerous in the extreme—and that unless timely checked by "the sober second thought of the people," will lead to anarchy, to civil war, the overthrow of the government, and the destruction of liberty.

13th. *Resolved*, That whilst we would not sound the tocsin of alarm, or invoke the hostility of the people against secret associations formed for benevolent or other honorable objects, in accordance with the enlightened, just, and liberal provisions of the constitution, or laws or policy of the government, yet we must be permitted to express the opinion that, in a country like ours, all secret *political* organizations "choose darkness rather than light, *because their deeds are evil*"—because they dare not suffer TRUTH to have a free and fair grapple with error, in the broad light of day!

14th. *Resolved*, That the Secretary of the Territory is hereby authorized, and he is respectfully requested to forward a copy of the foregoing preamble and resolutions to our Delegate in Congress, to the President of the Senate, to the Speaker of the House of Representatives, and to the President of the United States.

Mr. Lovejoy moved that the resolutions be laid on the table, and

five hundred copies printed for the use of the House, and that they be made the order of the day for the second Tuesday of January next.

Adopted.

On motion,

The House adjourned.

FRIDAY, DECEMBER 15, 1854.

House met pursuant to adjournment.

Absent—Messrs. Crandall and Belknap.

Journal was read and corrected.

Mr. Hembree presented a petition from Nancy Beeler, praying to be divorced from her husband, Frank Beeler.

Referred to the judiciary committee.

Mr. Gazley, from the committee on engrossed bills, reported H. B. 9 truly engrossed.

Mr. Hembree from the committee on roads and highways, to which was referred the petition of N. Huber and others, praying for a territorial road from Portland to Corvalis, reported by bill—

H. B. 12. A bill to locate a territorial road from Portland to Corvallis.

Read a first time.

Mr. Henry, from the select committee to which was referred

H. B. 3. A bill creating the office of county surveyor,

Reported the same back, with the following amendments:

Fill the blanks in section twenty-one as follows: After the words "as follows," insert, "for every survey, $5, and the further sum of five cents per chain, over eighty chains."

For calculationg the quantity of each tract of land not divived,	$1 00
For calculating each division made in a tract of land,	1 00
For making each plat,	50
For recording plat and certificate,	1 00
For each copy of plat and certificate,	50
For traveling to and returning from place of survey, per mile,	10

Provided, that all expenses of chain carriers and markers shall be paid by the person at whose request the survey was made.

For each day neeessarily employed in surveying roads and making out the plats,	$4 00

Amend section seven, in second line, by striking out the word "twenty," and insert "ten."

Mr. McIntire moved to amend the first amendment by adding fifty per cent. for Jackson and Coos counties.

The amendment was adopted.

Mr. Patterson moved to insert "$6," in place of "$4."

Which was disagreed to.

The question then being upon the bill as amended,

On motion of Mr. Elkins,

H. B. 3 was considered engrossed and ordered to be read a third time to morrow.

Mr. Lovejoy, from the judiciary committee, to which was referred the petition of John C. Carey, reported by bill—

H. B. 13. To legalize the marriage of John C. Carey to Sarah Carey.

Read a first time.

Mr. Smith presented a bill—

H. B. 14. To provide for the holding of a convention to frame a State constitution.

Read a first time.

H. B. 9. A bill to change the name of Alice and Julia Gertrude Manning,

Was read a third time and passed.

Mr. Holmes moved to recommit

H. B. 10. A bill to define the boundary lines of Clatsop county,

To the committee on counties.

Adopted.

Mr. Holmes, from the committee on claims, to which was referred the petition of Wm. J. Herren, for relief, reported adverse to the prayer of the petitioner.

Adopted.

Mr. Brown presented a bill—

H. B. 15. A bill to locate a territorial road from Salem, in Marion county, to Eugene City, in Lane county.

Read a first time.

Mr. Elkins gave notice that on some subsequent day of the session he would introduce a bill to locate a territorial road leading from the town of Sublimity, in Marion county, thence south, crossing the north fork of Santiam river at the most practicable ford; thence south, crossing the south fork of Santiam river, at or near Brieger's ford; thence south, intersecting a territorial road from Oregon City to Jacob Spores' where the viewers may deem expedient.

Mr. St. Clair presented a bill—

H. B. 16. A bill entitled "An act to amend an act relating to assessment and collection of taxes.

Read a first time.

Mr. Humason from the select committee to which was referred

H. B. 6. To substitute the *viva voce* vote for the ballot mode of voting,

Reported the same back without amendment.

Mr. Humason moved that the rules be suspended, and that the bill be considered engrossed, and read a third time now.

Adopted.

On motion of Mr. Smith,

A call of the House was had.

Absent—Mr. Crandall.

Mr. Lovejoy moved the previous question;

Pending which motion,

The House adjourned.

AFTERNOON SESSION.

Mr. Lovejoy asked leave to withdraw his motion for the previous question.

Granted.

The question being on the final passage of H. B. 6,

The yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Butler, Brown, Coffinbery, Crandall, Elkins, Ford, Geer, Hembree, Humason, Hinton, Holmes, Ladd, and Smith—14.

Nays—Messrs. Condon, Dunn, Gazley, Gillespie, Henry, Logan, Lovejoy, McIntire, Patterson, Starkweather, St. Clair, and Mr. Speaker—12.

So the bill passed.

On motion,

The House adjourned.

SATURDAY, DECEMBER 16, 1854.

The House met pursuant to adjournment.

Absent—Mr. McIntire.

The journal was read and corrected.

Mr. Geer, from the committee on roads and highways, to which was referred

H. B. 7. A bill to locate a territorial road from Salem to Philip Foster's, in Clackamas county,

Reported the same back, with sundry amendments;

Which were adopted.

On motion of Mr. Lovejoy,

The bill was considered engrossed, and ordered to be read a third time on Monday.

Mr. Geer, from the committee on roads and highways, to which

was referred the petition of C. C. Cram and others, praying for the vacation of a portion of the territorial road from Doak's ferry to Corvallis, reported adverse to petition.

Adopted.

Mr. Humason offered the following resolution:

Resolved, That when the House adjourns, it adjourns to meet Monday morning at 10 o'clock.

Adopted.

H. B. 11. A bill to enlarge the powers of the clerks of the district and supreme courts;

Read a second time, and

Referred to the judiciary committee.

H. B. 2. A bill for the organization of townships,

Was read a third time, and

The question being—"Shall the bill pass?"

The yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Brown, Coffinbery, Crandall, Elkins, Gazley, Geer, Humason, Smith, Starkweather, and Speaker—10.

Nays—Messrs. Belknap, Butler, Condon, Dunn, Ford, Gillespie, Hembree, Henry, Hinton, Holmes, Ladd, Logan, Lovejoy, Patterson, and St. Clair—15.

So the bill was lost.

H. B. 3. A bill to create the office of county surveyor,

Was read a third time and passed.

On motion,

The House adjourned.

MONDAY, DECEMBER 18, 1854.

The House met pursuant to adjournment.

Absent—Messrs. Ford, Hinton, Holmes, Logan, and Smith.

The journal was read.

Mr. Crandall presented a petition from John Baker, praying for relief.

Referred to a select committtee of three.

Messrs. Crandall, Geer, and Dunn were appointed said committee.

Mr. Butler presented the petition of J. V. McCarthy and 14 others, praying the vacation of a territorial road leading from Salem to Corvallis, via. Humphrey's ferry.

Referred to committee on roads and highways.

Mr. McIntire, from the committee on counties, to which was referred

H. B. 10. Defining the boundary of Clatsop county,

Reported the same back, and recommended its passage.

Mr. Butler, from the committee on enrolled bills, reported H. B. 1 truly enrolled.

H. B. 12. To locate a territorial road from Portland to Corvallis,

Was read a second time.

Mr. Gillespie offered the following amendment:

Amend section five to read as follows: "Surveyors and commissioners to be allowed three dollars per day, and markers and chainmen two dollars per day, to be paid out of the county treasuries of the counties through which said road may pass."

The question being upon the adoption of the amendment,

The yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Brown, Coffinbery, Condon, Crandall, Dunn, Elkins, Ford, Gazley, Geer, Gillespie, Humason, Holmes, Ladd, Lovejoy, Patterson, Smith, Starkweather, St. Clair, and Speaker—20.

Nays—Messrs. Butler, Hembree, and Henry—3.

So the amendment was adopted.

Mr. Holmes offered the following amendment:

Insert, at the end of section one, the following words: "And that it be discretionary with the commissioners to make Dallas a point in its location."

Adopted.

On motion of Mr. Butler,

The bill was ordered to be engrossed and read a third time to-morrow.

H. B. 13. To legalize the marriage of John C. Carey to Sarah Carey,

Was read a second time, and

On motion of Mr. Lovejoy,

The rules were suspended, and the bill was read a third time and passed.

H. B. 14. To take the sense of the peope relative to a convention to frame a State constitution,

Was read a second time, and

On motion of Mr. Hembree,

Referred to committee of the whole.

H. B. 15. To locate a territorial road from Salem to Eugene City,

Was read a second time.

Mr. Crandall offered the following amendment:

Strike out third section entire, and insert—

"Sec. 3. Said commissioners, and any person employed by them as surveyor, shall each receive three dollars per day, for every day necessarily employed in locating said road, said moneys to be paid out of the county treasuries of the counties through which the road may pass, in proportion to the service performed in each county."

Which was adopted, and

H. B. 15 was ordered to be engrossed and read a third time to-morrow.

H. B. 16. To amend an act relating to the assessment and collection of taxes,

Read a second time, and

Referred to judiciary committee.

H. B. 10. To define the boundaries of Clatsop county,

Was read a third time,

And the bill being on its final passage,

The yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Brown, Coffinbery, Condon, Dunn, Geer, Henry, Humason, Hinton, Lovejoy, McIntire, Patterson, Smith, Starkweather, St. Clair, and Speaker—16.

Nays—Messrs. Butler, Crandall, Elkins, Ford, Gazley, Gillespie, Holmes, and Ladd—8.

So the bill passed.

On motion,

The House adjourned.

AFTERNOON SESSION.

H. B. 5. To amend "An act in relation to common schools and school lands,"

Read a second time, and

Referred to a select committee.

Messrs. Geer, Smith, and Gillespie were appointed said committee.

Message from the Council, by Mr. Genois, their clerk:

Mr. Speaker: I am directed by the President to inform you that the Council has passed—

H. B. 8. A bill to dispose of the jail fund of Clackamas county;

And the same is herewith transmitted for enrollment.

Mr. Lovejoy introduced a bill—

H. B. 17. To create and secure a homestead to the head of every family.

Read a first time.

Mr. Hembree presented the report of the commissioners to erect a Territorial University.

Laid on the table, and ordered to be printed.

[See Appendix.]

On motion of Mr. Smith,

The House resolved itself into committee of the whole on

H. B. 14. To provide for the holding of a convention to frame a State constitution,

Mr. Smith in the chair—

And after some time spent therein, the committee rose and reported back H. B. 14, with sundry amendments.

On motion of Mr. Lovejoy,

The further consideration of H. B. 14, and accompanying amendments, were postponed till the 10th day of January next.

Mr. Lovejoy, from the judiciary committee, to which was referred the petition of Peter Smith, reported by bill—

H. B. 18. To legalize the marriage between Peter Smith and Sarah Smith.

Read a first time.

Message from the Council, by Mr. Genois, their clerk:

Mr. Speaker: I am directed by the President to inform you that the Council has passed the accompanying—

H. J. R. 3. Concerning the prefixing of the names of territorial officers to each volume of the laws of Oregon; also,

C. B. 2. An act to amend "An act to prevent the sale of ardent spirits to Indians;"

And they are herewith transmitted.

C. B. 2 was read a first time.

Mr. Logan gave notice that on some subsequent day of the session he would introduce a bill regulating procedings in applications for divorce in certain cases.

Also, A bill to amend "An act regulating roads and ferries."

Also, A bill to amend "An act regulating proceedings in actions at law in the supreme and district courts."

Also, A bill to abolish voluntary affidavits, and affidavits in all cases except those necessary in the course of judicial proceedings.

Mr. Gazley, on leave, presented a bill—

H. B. 19. A bill to divorce Mary A. Hunter from her husband, James H. Hunter.

Read a first time.

Mr. Butler presented a bill—

H. B. 20. A bill to repeal certain sections therein named.

Read a first time.

Mr. Crandall presented a bill—

H. B. 21. A bill to change the time of holding annual elections.

Read a first time.

Mr. Lovejoy offered the following resolution (H. J. R. 7):

Resolved by the House, the Council concurring, That the Legislative Assembly adjourn on Friday, the 22d instant, until the 8th day of January, A. D. 1855.

Mr. Geer moved to strike out "8th," and insert "3d," so that the resolution will read, "on the 3d day of January next."

Adopted.

Mr. Logan gave notice that he would, on some subsequent day of the session, introduce a bill to amend "An act defining crimes and misdemeanors, and regulating criminal proceedings."

On motion,

The House adjourned.

TUESDAY, DECEMBER 19, 1854.

House met pursuant to adjournment.

Absent—Mr. Logan.

Journal was read and corrected.

Mr. Crandall, from the committee on engrossed bills, reported H. B. Nos. 7 and 15 truly engrossed.

Mr. Butler, from the committee on enrolled bills, reported H. B. 8 and H. J. R. 8 truly enrolled.

Mr. Henry presented a bill—

H. B. 22. A bill to prevent the manufacture of all intoxicating liquors, and to prevent its sale in quantities less than one quart.

Read a first time.

Mr. Geer moved that five thousand copies be printed.

Lost.

Mr. Henry moved that five hundred copies be printed.

Upon which question the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Butler, Brown, Condon, Dunn, Gillespie, Hembree, Henry, Logan, McIntire, Smith, and St. Clair—12.

Nays—Messrs. Coffinbery, Crandall, Elkins, Ford, Gazley, Geer, Humason, Hinton, Holmes, Ladd, Lovejoy, Patterson, and Mr. Speaker—13.

So the motion was lost.

Mr. Hembree moved that three hundred copies be printed.

Lost.

Mr. Lovejoy moved to print one hundred copies.

Adopted.

C. B. 2. was read a second time.

H. B. 15. A bill to locate a territorial road from Salem, in Marion county, to Eugene City, in Lane county,

Was read a third time and passed.

H. B. 7. To locate a territorial road from Philip Foster's, in Clackamas county, to Salem, in Marion county,

Was read a third time and passed.

Mr. Condon moved that the petition of H. C. Foljambe and others, citizens of Clatsop county, praying to be annexed to Columbia county, be taken up,

Agreed to.

On motion of Mr. Condon,

Said petition was referred to the committee on counties.

Mr. Condon presented a petition from F. M. Warren and others, citizens of Columbia county, on the same subject.

Referred to the committee on counties.

Mr. Smith gave notice that on some subsequent day of the session he would introduce a bill for the relief of Geo. Cline, ex-sheriff of Linn county.

Mr. Elkins presented a bill—

H. B. 23. To locate a territorial road from Sublimity to Pleasant Hill.

Read a first time.

Mr. Lovejoy presented a bill—

H. B. 24. To create the county of Multnomah.

Read a first time.

Mr. Lovejoy moved that the rules be suspended, and the bill read a second time now.

Disagreed to.

Mr. Gillespie introduced a bill—

H. B. 25. To amend "An act relating to estrays, and to property lost or unclaimed," passed January 26th, 1854.

Read a first time.

Mr. Geer, from the select committee to which was referred

H. B. 5. To amend "An act relating to common schools and school lands,"

Reported the same back, with the following amendments:

1st amendment—In section two, fourth line, strike out the words, "the apportionment shall have been made prior to the passage of this act," and insert, "all the school districts of the county shall have complied with the provisions of the act entitled 'An act relating to common schools and school lands."

Adopted.

2d amendment—In section four, strike out the words, "a copy," and insert, "twenty copies; and the said superintendent to furnish the clerks of the several school districts in their respective counties."

Adopted.

3d. amendment—Strike out section six entire, and insert the following:

"Sec. 6. It shall be the duty of the county superintendent to ascertain what portion of sections numbering sixteen and thirty-six, in each township in his county, are claimed by settlers occupying the same before the survey was made. Upon ascertaining the amount thus claimed in any township, he shall proceed, without any unnecessary delay, to select other lands in lieu thereof, and make report to the Surveyor General, or such other officer as may be appointed by law for the purpose of such selections; which report shall describe the lands so selected by numbers, and also state the amount as near as may be; it shall also state what townships contain the unoccupied lands that were selected in lieu thereof; it shall also be his duty to give public notice of such selection, by posting up notices in three public places in his county, one of which shall be at the county seat, and the others in the vicinity of the lands selected, describing said lands by their numbers, and such other description as he may deem expedient, or by publication in the newspaper having the greatest circulation in the county."

Adopted.

4th amendment—

"Sec. 7. The said superintendent shall be allowed out of the county treasury, as compensation for his services, the sum of ——— dollars."

Pending which amendment,
On motion,
The House adjourned.

AFTERNOON SESSION.

The 4th amendment to H. B. 5 being under consideration,
Mr. Gillespie moved to fill the blanks with "four dollars per diem, to be paid semi-annually."
Which was lost.
The question being on the passage of the 4th amendment,
The same was lost.

5th amendment—

"Sec. 8. That all acts, and parts of acts, in conflict with this act, are hereby repealed.
"Sec. 9. This act to take effect and be in force from and after its passage."

Adopted.

On motion of Mr. Smith,

H. B. 5 was ordered to be engrossed and read a third time to-morrow.

H. M. 2. Relative to the establishment of a Register and Receiver's office south of the Calapooia mountains,

Was read a third time and passed.

Mr. Ladd presented a memorial—

H. M. 3. Asking Congress to make additional appropriations for the purpose of building a light house and establishing buoys at the mouth of the Umpqua.

Read a first time.

Message from the Council, by Mr. Genois, their clerk:

Mr. Speaker: I am directed by the President to inform you that the Council concurs with the House in the passage of

H. J. R. 7. Relative to adjourning both branches of the Legislative Assembly from Friday, the 22d instant, until the 3d day of January, A. D. 1855;

And it is herewith transmitted.

Mr. Gazley gave notice that on some subsequent day of the session he would introduce a bill for the payment of the account of Addison R. Flint against the Territory of Oregon.

Mr. Smith presented a memorial—

H. M. 4. Relative to removal of the Register and Receiver's office.

Mr. Gazley offered the following:

H. J. R. 8. Requiring the Public Printer to furnish certain laws therein named.

Read a first time.

Mr. Lovejoy, from the judiciary committee, reported back H. B. 11, with the accompanying amendments:

Strike out the word "setting," in third line, third section, and "interrogatories and," in fourth line, third section.

Adopted.

On motion of Mr. Lovejoy,

H. B. 11 was ordered to be engrossed and read a third time to-morrow.

On motion,

The House adjourned.

WEDNESDAY, December 20, 1854.

House met pursuant to adjournment.

Absent—Messrs. Condon, Henry, Logan, and St. Clair.

The journal was read.

Mr. Butler, from the committee on enrolled bills, reported C. J. R. 4 truly enrolled.

Mr. Crandall, from the committee on engrossed bills, reported H. B. Nos. 11 and 12 truly engrossed.

H. B. 17 was read a second time, and

Referred to committee of the whole.

H. B. 24 was read a second time, and,

On motion of Mr. Belknap,

Referred to a select committee of three.

Messrs. Logan, Lovejoy, and Belknap, were appointed said committee.

H. B. 19. To divorce Mary A. Hunter from James H. Hunter,

Was read a second time, and,

On motion of Mr. Gazley,

Ordered to be engrossed and read a third time to-morrow.

H. B. 18. To legalize the marriage of Peter Smith and Sarah Smith,

Was read a second time.

On motion of Mr. Lovejoy,

The rules were suspended, and the bill read a third time.

The question being—"Shall the bill pass?"

The yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Brown, Coffinbery, Crandall, Dunn, Elkins, Gazley, Geer, Gillespie, Hembree, Henry, Humason, Hinton, Ladd, Lovejoy, McIntire, Patterson, Smith, Starkweather, St. Clair, and Speaker—21.

Nays—Messrs. Butler, Condon, Ford, Holmes, and Logan—5.

So the bill passed.

H. B. 11. To enlarge the powers of clerks of district and supreme courts,

Was read a third time and passed.

C. B. 2. Relating to selling liquor to Indians,

Was read a third time and passed.

Message from the Council, by Mr. Genois, their clerk:

Mr. Speaker: I am directed by the President to inform you that C. J. R. 4 has been reported truly enrolled, and is herewith transmitted for your signature.

Message from the Council, by Mr. Genois, their clerk:

Mr. Speaker: I am instructed by the President to inform you that

C. B. 5. A bill to prohibit negroes and mulattoes from coming to or residing in Oregon,

Has passed the Council, and it is herewith transmitted for your concurrence.

C. B. 5. To prohibit negroes and mulattoes from coming to or residing in Oregon.

Read a first time.

On motion of Mr. Lovejoy,

The rules were suspended and the bill read a second time.

Mr. Logan moved to add the word "Chinese," after the word "negroes," wherever the the word occurs in the bill.

Adopted.

Mr. Ladd moved to insert, after the word "said," in the eighth section, and sixth line, the following: "*Provided*, that this act shall not affect persons bringing in or holding negroes or mulattoes as slaves in this Territory."

Adopted.

Mr. Ford moved to amend by striking out "negroes and mulattoes," wherever they occur in the bill, and insert, "Brigham Young, and all other persons that are guilty of polygamy."

Adopted.

Mr. Smith moved to amend by adding; "and all knownothings."

Pending which motion;

The House adjourned.

AFTERNOON SESSION.

Mr. Smith asked leave to withdraw his amendment.

Granted.

Mr. Lovejoy moved that the rules be suspended, and the bill read a third time now.

Lost.

On motion of Mr. Elkins,

C. B. 5 was laid on the table.

Mr. Elkins presented a bill—

H. B. 26. To amend an act relating to county prisons and their regulations, &c.

Read a first time.

Mr. Gazley presented a bill—

H. B. 27. For the payment of the account of Addison R. Flint.

Read a first time.

On motion of Mr. Smith,

The House resolved itself into committee of the whole,

Mr. Elkins in the chair—

And took up

H. B. 17. To create and secure a homestead to the head of every family;

And after some time spent therein, the committee rose and reported back H. B. 17, with the following amendment:

"Sec. 21. This law shall not apply to any debts contracted previous to the passage of this act."

Adopted.

On motion of Mr. Humason,
H. B. 17 was referred to a select committtee.
Messrs. Humason, Smith, and Lovejoy, were appointed, said committee.
On motion,
The House adjourned.

THURSDAY, DECEMBER 21, 1854.

House met pursuant to adjournment.
Mr. Crandall, from the committee on engrossed bills, reported H. B. 19 truly engrossed.
The majority of the select committee to which was referred
H. B. 24. To create the county of Multnomah,
Reported the same back, with the following amendments:

Amend section three by filling the blanks in said section by inserting, "for sheriff, Wm. H. McMillan; judge of probate, Anthony L. Davis; auditor, Shubrick Norris; treasurer, A. D. Fitch; commissioners, James F. Bybee, George W. Vaughn, and John E. Scott."

And recommended its passage.
Mr. Logan, from the minority of the same committee, reported adverse to the bill, and recommended the following as a substtute:

Strike out all after the enacting clause, and insert—
"That the seat of justice for Washington county be and the same is changed from Hillsborough, in said county, and the seat of justice in and for Washington county is located at the City of Portland, in said county.
"Sec. 2. This act shall be submitted to the voters of Washington county at the next general election, and if a majority of the voters of said county shall vote for the removal and location of said county seat, as provided in the first section of this bill, the same shall be located and established as provided in the first section."

Which substitute was lost.
On motion,
The report of the majority of the committee was adopted.
Mr. Logan moved that the bill be laid on the table till the 4th day of January, 1855.
Lost.
Mr. Lovejoy moved that the rules be suspended, and the bill be considered engrossed, and read a third time now.

Upon which question the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Butler, Brown, Coffinbery, Crandall, Dunn, Elkins, Ford, Gazley, Geer, Gillespie, Hembree, Humason, Hinton, Holmes, Ladd, Lovejoy, Patterson, Smith, Starkweather, and Speaker—21.

Nays—Messrs. Condon, Henry, Logan, and McIntire—4.

Adopted.

The question then being—"Shall the bill pass?"

The yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Butler, Brown, Coffinbery, Crandall, Dunn, Elkins, Ford, Gazley, Geer, Gillespie, Hembree, Humason, Hinton, Holmes, Ladd, Lovejoy, Patterson, Smith, Starkweather, and Speaker—21.

Nays—Messrs. Condon, Henry, Logan, and McIntire—4.

So the bill passed.

Mr. Ford presented a bill—

H. B. 28. To change the time of the meeting of the Legislature.

Read a first time.

Mr. Crandall presented the State House Commissioners' report.

Laid on the table, and ordered to be printed.

[See Appendix.]

A message was received from the Governor by his private secretary, C. N. Terry, Esq., relative to the Penitentiary;

Which was read.

Mr. Henry moved that five hundred copies be printed for the use of the House.

Adopted.

On motion,

The House adjourned.

AFTERNOON SESSION.

H. B. 20. A bill to repeal certain sections therein named,

Was read a second time, and

On motion,

H. B. 20 was ordered to be engrossed and read a third time to-morrow.

H. B. 21. A bill to change the time of holding annual elections,

Was read a second time.

Mr. Crandall moved that the bill be postponed until the 6th of January next.

Lost.

Mr. Holmes moved that the rules be suspended, the bill considered engrossed, and read a third time now.

A call of the House was had, and the following members were absent—Messrs. Logan, McIntire, and St. Clair.

The sergeant-at-arms was dispatched after the absentees.

On motion of Mr. Smith,

All further proceedings under the call were dispensed with.

The question then being—"Shall the bill pass?"

The yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Crandall, Dunn, Ford, Geer, Humason, Ladd, and Smith—7.

Nays—Messrs. Belknap, Butler, Brown, Coffinbery, Condon, Elkins, Gazley, Gillespie, Hembree, Henry, Hinton, Holmes, Logan, Lovejoy, McIntire, Patterson, Starkweather, St. Clair, and Speaker—19.

So the bill was lost.

H. B. 22. A bill to prevent the manufacture of all intoxicating liquors, and to prevent its sale in quantities less than one quart,

Was read a second time.

Mr. Henry moved that the bill be laid on the table, and made the order of the day for the second Thursday in January next.

Lost.

Mr. Smith moved that the bill be laid on the table, and made the special order of the day for the third Monday in January next.

Adopted.

H. B. 26. Relating to county prisons and their regulations,

Was read a second time, and

Referred to the judiciary committee.

H. B. 27. For the payment of the account of Addison R. Flint,

Was read a second time, and

Referred to committee on claims.

H. J. R. 8. Instructing the Public Printer to furnish certain laws, &c.,

Was read a second time, and

Referred to the committee on printing.

H. M. 4. Asking the President of the United States to change the location of the Register and Receiver's office.

Mr. Crandall moved that the memorial be indefinitely postponed.

Upon which question the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Coffinbery, Condon, Crandall, Dunn, Ford, Gazley, Gillespie, Hembree, Henry, Humason, Hinton, Logan, Lovejoy, Patterson, Starkweather, and Speaker—17.

Nays—Messrs. Butler, Brown, Elkins, Holmes, Ladd, McIntire, Smith, and St. Clair—8.

So the memorial was indefinitely postponed.

Mr. Smith offered for adoption the following resolution (H. R. 16):

Resolved, That the use of the hall of the House of Representatives, for this evening, be and is hereby granted to the democrats of the town of Salem and vicinity, for the purpose of organizing a Jackson Club.

Adopted.

Mr. Lovejoy gave notice that on some subsequent day of the session he would introduce a bill to authorize the University Land Commissioner to make title to certain town lots in Oregon City, Clackamas county, as well as certain lands in said county, donated by Dr. John McLaughlin to said county, for county purposes, for a nominal sum therein named.

Mr. Gazley gave notice that he would, on some subsequent day of the session, introduce a bill to relocate the Territorial University.

Mr. Smith offered the following resolution (H. R. 17):

Resolved, That a special committee of three be appointed by the Speaker of the House, to whom shall be refereed the communication from the Governor relating to the Snake River massacre, and that said committee be and they are hereby instructed to report to this House, recommending such action as they may deem expedient, at as early a period as practicable after the reconvening of the Legislature subsequent to the holidays.

Adopted.

Messrs. Smith, Humason, and Dunn, were appointed said committee.

On motion,

The House adjourned.

FRIDAY, DECEMBER 22, 1854.

The House met pursuant to adjournment.

Absent—Messrs. Belknap, Gillespie, Hembree, Ladd, Logan, Lovejoy, and McIntire.

The journal was read.

Mr. Crandall, from the committee on engrossed bills, reported H. B. Nos. 5, 12, and 20, as truly engrossed.

H. B. 23. was read a second time.

Mr. Elkins moved that the rules be suspended, and the bill considered engrossed and read a third time now.

Agreed to.

The bill was then read a third time and passed.

H. B. 12. A bill to locate a territorial road from Portland to Corvallis,

Was read a third time and passed.

H. B. 20. To repeal certain sections therein named,

Came up on its third reading, and was,

On motion of Mr. Smith,

Referred to judiciary committee.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am directed by the President to inform you that

C. B. 6. A bill to provide for the levying and collecting taxes in Jackson county,

Has passed the Council, and is herewith transmitted for your concurrence.

C. B. 6. To provide for the levying and collecting taxes in Jackson county.

Read a first time.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am directed by the President to inform you that the Council has passed—

H. B. 11. A bill to enlarge the powers of the clerks of the district and supreme courts,

With the accompanying amendment, and the House is requested to concur in the amendment.

The House concurred in Council amendment to H. B. 11, and the bill was ordered to be enrolled.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am directed by the President to inform you that the Council has passed—

H. B. 6. A bill substituting the *viva voce* system of voting instead of the ballot,

With the accompanying amendment, and the House is requested to concur in the amendment.

Mr. Logan moved a call of the House;

Which was had, and the following members were absent—Messrs. Belknap, Gillespie, Lovejoy, and McIntire.

On motion,

The House adjourned.

WEDNESDAY, JANUARY 3, 1855.

The House met pursuant to adjournment.
There being no quorum present,
On motion,
The House adjourned till 2 o'clock, P. M.

AFTERNOON SESSION.

The House met pursuant to adjournment.
No quorum being present,
On motion,
The House adjourned.

THURSDAY, JANUARY 4, 1855.

The House met pursuant to adjournment.
Absent — Messrs. Belknap, Coffinbery, Drew, Ford, Logan, Lovejoy, McIntire, Smith, Starkweather, St. Clair, and Walker.
The journals were read.
Mr. Humason, from the select committee to which was referred
H. B. 17. To create and secure a homestead to the head of every family,
Reported the same back, with sundry amendments.
Mr. Henry moved that the bill, with accompanying amendments, be laid on the table.
Upon which question the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Butler, Brown, Crandall, Dunn, Elkins, Gazley, Geer, Gillespie, Henry, Hinton, Holmes, Tanner, and Speaker—13.

Nays—Messrs. Hembree, Humason, Ladd, Logan, Patterson, and Starkweather—6.

So the bill was laid on the table.
C. B. 6. To provide for the levying and collection of taxes in Jackson county,
Was read a second time, and,
On motion of Mr. Dunn,
Laid on the table.
H. B. 25. To amend "An act relating to estrays, and to property lost or unclaimed,"
Was read a second time, and,

On motion of Mr. Butler,
Referred to a select committee of three.
Messrs. Butler, Humason, and Logan, were appointed said committee.

H. B. 23. To change the time of the sitting of the Legislative Assembly,
Was read a second time.
Mr. Brown moved to amend by striking out the word "January," and inserting "November."
Lost.
On motion of Mr. Patterson,
The bill was indefinitely postponed.
H. M. 3. Relative to the establishment of a light house at the mouth of the Umpqua,
Was taken up.
Mr. Logan moved to strike out the word "only," in the 4th line.
Lost.
The memorial was then passed.
H. B. 19. A bill to divorce Mary A. Hunter from her husband, James H. Hunter,
Was read a third time:
Mr. Logan moved the bill be laid on the table.
Lost.
Mr. Logan moved a call of the House;
Which was had, and the following members were absent—Messrs. Condon, Drew, Ford, Lovejoy, McIntire, Smith, St. Clair, Tanner, and Walker.
Mr. Holmes moved that all further proceedings under the call be dispensed with.
Agreed to.
Mr. Logan moved that the bill be made the special order of the day for to-morrow.
Lost.
The question then being—"Shall the bill pass?"
The yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Brown, Coffinbery, Dunn, Gazley, Hembree, Henry, Hinton, Ladd, and Patterson—9.

Nays—Messrs. Belknap, Butler, Crandall, Elkins, Geer, Gillespie, Humason, Logan, Starkweather, and Speaker—10.

So the bill was lost.
H. B. 6. To substitute the *viva voce* for the ballot mode of voting,
Was then taken up.
And the question being—"Shall the House concur in Council amendment to H. B. 6?"

Mr. Logan moved that the bill and accompanying amendment be made the special order of the day for Saturday next.

Lost.

Mr. Logan moved a call of the House;

Which was had, and the following members were absent—Messrs. Condon, Drew, Lovejoy, McIntire, Smith, St. Clair, Tanner, and Walker.

Mr. Holmes moved that all further proceedings under the call be dispensed with.

Agreed to.

Mr. Logan moved the House adjourn.

Lost.

The question being on the adoption of Council amendment,

The yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Butler, Brown, Coffinbery, Crandall, Elkins, Ford, Geer, Hembree, Humason, Hinton, Holmes, Ladd, Starkweather, and Speaker—14.

Nays—Messrs. Belknap, Dunn, Gazley, Gillespie, Henry, Logan, and Patterson—7.

So Council amendment was concurred in.

On motion,

The House adjourned.

AFTERNOON SESSION.

Message from the Council, by Mr. Genois, their clerk:

Mr. SPEAKER: I am directed by the President to inform you that the Council has passed—

H. B. 24. A bill to establish the county of Multnomah;

And it is herewith transmitted for enrollment.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am directed by the President to inform you that the Council has passed—

H. B. 15. A bill to locate a territorial road from Salem to Eugene City;

And the same is herewith transmitted for enrollment.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am instructed by the President to inform you that the Council has passed—

H. B. 7. A bill to locate a territorial road from Philip Foster's, in Clackamas county, to Salem, in Marion county.

With the accompanying amendment, and is herewith transmitted for concurrence in the House.

Amend section ninth, ninth line, by adding the letter "d" to the word "an."

Concurred in.

Message from the Council, by Mr. Genois, their clerk:

Mr. Speaker: I am directed by the President to inform you that the Council has passed—

H. M. 2. Relative to establishing a Register and Receiver's office south of the Calapooia mountains,

With the accompanying amendments, and the House is requested to concur therein.

On motion of Mr. Holmes,

Council amendments to H. M. 2 were concurred in.

Message from the Council, by Mr. Genois, their clerk:

Mr. Speaker: I am directed by the President to inform you that the Council has passed—

C. B. 4. A bill to regulate the fees of certain officers and others;

And it is herewith transmitted for concurrence.

On motion of Mr. Crandall,

C. B. 4 was laid on the table, and

Fifty copies were ordered to be printed for the use of the House.

The Speaker gave notice to the House that he had signed—

C. J. R. 4. Relative to the payment of the late provisional debt of Oregon.

Mr. Crandall presented a resolution—

H. J. R. 9. Requiring the sergeant-at-arms of both bodies to furnish each House with printed copies of bills, &c.

Adopted.

Mr. Henry offered a resolution—

H. J. R. 10. Directing the Territorial Treasurer to furnish stationery to the Legislature.

Read a first time.

On motion of Mr. Humason,

The rules were suspended and the resolution read a second time.

On motion of Mr. Holmes,

The rules were further suspended, and the resolution read a third time.

The question being upon the final passage of the resolution,

The yeas and nays were demanded, and resulted as follows:

Yea—Mr. Henry—1.

Nays—Messrs. Butler, Brown, Coffinbery, Crandall, Dunn,

Elkins, Ford, Gazley, Geer, Gillespie, Hembree, Humason, Hinton, Holmes, Logan, Patterson, Starkweather, and Speaker—18.

So the resolution was lost.

A message was received from the Governor by his private secretary, C. N. Terry, Esq., relative to the disbursement of the State House fund.

Mr. Henry presented the following resolutions (H. J. R. 11):

WHEREAS, since the close of the last Legislative Assembly of this Territory, the Congress of the United States have passed a bill, which has received the signature of the President, organizing the Territories of Nebraska and Kansas, which contains a provision repealing what is popularly known as the Missouri Compromise line, thus re-opening the slavery agitation, which was believed to have been put to rest by the passage of the compromise measures of 1850;

AND WHEREAS, in the opinion of this Legislative Assembly, there was nothing in the political exigencies of the times calling for the repeal of this most solemn compact, entered into by the free States of the North on the one part, and the slave States of the South of the other part—and which had been acquiesced in by the great mass of the people of both sections, for more than thirty years—or, to use the strong and eloquent language of the very distinguished chairman of the committee on Territories in the Senate of the United States, as late as 1850 (the Hon. Stephen A. Douglas), "that all the evidences of public opinion at that day seemed to indicate that this Compromise (meaning the Missouri Compromise of 1820,) *had been canonized in the hearts of the American people as a sacred thing, which no ruthless hand should attempt to disturb;*"

AND WHEREAS, the present Executive, in his first annual message to Congress, voluntarily made the solemn pledge to the country, "that the slavery question, so happily and so permanently settled by the Compromise Measures of 1850, should not be disturbed by any act of his," the present unprecedented excitement in the free States of the North, and which is shaking the Union to its very center, should not excite surprise;

AND WHEREAS, the President of the United States has seen proper, on a recent occasion, to resort to the veto power, conferred on him by the framers of our constitution, to enable him to correct the errors of hasty and inconsiderate legislation, but not for the purpose of enabling him to defeat the deliberately expressed will of the people, through their representatives;

AND WHEREAS, the people have, on several occasions within the last ten or fifteen years, expressed the opinion through their Representatives in Congress, that they have the power under the constitution to make appropriations from the national treasury for the purposes of internal improvement, such as the removal of

obstructions from the mouth of the Columbia river, and from that river and its tributary, the Willamette, and for removing obstructions to the entrances of our rivers and harbors on our coast, and above all, for the construction of the great Pacific railroad, so much desired by the people of Oregon and their friends in the States;

AND WHEREAS, by the veto of the late river and harbor bill, the people on this coast have been deprived of the expenditure among them of more than one million and a half of dollars; the legitimate effect of which has been to reduce the price of labor, and all our products, by the improper withdrawal from this coast of that immense sum of money, to be locked up in the sub-treasuries of the eastern cities; and judging from our experience of the past, we have no good reason to expect the passage of any law appropriating money for the improvement of our internal commerce, so long as the executive chair is occupied by the present incumbent, or any one entertaining similar views and opinions: therefore,

1st. *Resolved*, That this Legislative Assembly highly disapprove the action of Congress in the repeal of the Missouri Compromise line.

2d. *Resolved*, That, with certain restrictions and limitations, we most cordially endorse the doctrine of "*popular sovereignty*," so much talked of by the supporters of the Nebraska and Kansas bill.

3d. *Resolved*, That when the people of a State or Territory voluntarily yield up a portion of their sovereignty, for the sake of union or harmony, or for any other consideration, we believe they are bound by every principle of honor and honesty to stand by their agreements.

4th. *Resolved*, That, inasmuch as this Union was formed in a spirit of concession and compromise, and by the different parties to the compact yielding up more or less of their soveignty, in our judgment it can only be maintained by a firm and unwavering adherence to the letter and spirit of all our contracts.

5th. *Resolved*, That Congress had a right to say that slavery should never exist in this Territory, and more especially so when this condition was imposed in accordance with the expressed wish of the people residing in the Territory; and since all who have come here since the restriction was imposed, came under the restriction as a matter of choice; therefore such persons have no good reason to complain of any infringement of their rights of popular sovereignty.

6th. *Resolved*. That the introduction of slavery into the Territory of Oregon under existing circumstances, without the consent of the free States of the Union, would be an act of bad faith, such as to justify a refusal on their part to receive us into the Union as a State, and would prove a blighting and withering curse to ourselves and to our posterity.

7th. *Resolved*, That when the people of the free States, in the formation of our constitution, consented to allow *five slaves* of the south to count as equal to *three white* men of the north in the ratio

of representation, it was with the understanding that slavery was fast dying out; and the history of that time shows that no one of the distinguished statesmen of that day contemplated the possibility of its being extended or increased beyond its then limits, and more especially was this true of the immortal Jefferson, the author of the Declaration of Independence.

8th. *Resolved*, That we concur most fully in the sentiment lately advanced by the organ of the present administration, (the Washington Union,) that, "No matter what opinion a man entertains as to slavery, *he is not an abolitionist or free soiler* as long as he acknowledges the constitution as containing provisions which protects it against interference, and who abstain from any assault upon those provisions."

9th. *Resolved*, That we disapprove of the veto by the President of the river and harbor bill.

10th. *Resolved*, That the people are the government, and the President of their choice not their master, but the executor of their will as expressed through their Representatives in Congress.

11th. *Resolved*, That when the President of the United States finds himself arrayed against the expressed will of the Representatives of the people, so that he cannot give his consent to laws which they deem necessary for their welfare and prosperity, as in the case of the river and harbor bill, he should resign his office of President, sooner than defeat the deliberately expressed wish of the people, as expressed through their Representatives in Congress.

12th. *Resolved*, That we approve the policy, and entertain no doubt of the constitutional power of Congress to make appropriations for internal improvements; and we are of the opinion that the thirty millions of surplus now in the treasury of the United States could not be better applied than in the construction of the Pacific railroad, and in the improvement of our rivers and harbors.

13th. *Resolved*, That the Secretary of the Territory be directed to transmit a copy of the foregoing preamble and resolutions to our Delegate in Congress, to the President of the Senate, to the Speaker of the House of Representatives, and to the President of the United States.

Which were read a first time.

On motion of Mr. Logan,

The resolutions were made the special order of the day for Tuesday next, and one hundred copies ordered to be printed for the use of the House.

Mr. Logan moved to reconsider the vote making H. B. 22 the special order of the day for Tuesday next.

Lost.

Mr. Geer, from the committee on roads and highways, reported adverse to the prayer of A. V. McCarty and others for a territorial road from Salem to Corvallis.

The report was adopted.

Mr. Geer, on leave, presented a bill—

H. B. 29. To amend an act entitled "An act respecting executors and administrators, and the disbursement of real and personal estate."

Read a first time.

Mr. Gazley presented a bill—

H. B. 30. To provide for the election of judges of the election by the people.

Read a first time.

Mr. Patterson gave notice that on some subsequent day of the session he would introduce a bill for the view and location of a territorial road from John Cochran's, on the Coast Fork of the Willamette, to intersect the military road at Winchester, Douglas county, or some point between that and Jacksonville, in Jackson county.

Mr. Logan gave notice that on some subsequent day of the session he would introduce a bill to supercede H. J. R. 6, and H. B. Nos. 17 and 22.

On motion,

The House adjourned.

FRIDAY, JANUARY 5, 1855.

The House met pursuant to adjournment.

Absent—Messrs. Belknap, Logan, Lovejoy, McIntire, and St. Clair.

The journal was read.

Mr. Butler presented the petition of Carter L. Davidson and others, praying for the relocation of a territorial road from Doak's ferry, in Polk county, to intersect a road at James Gingles', in Benton county.

Referred to committee on roads and highways.

Mr. Ladd presented a petition from J. P. Ladd and 26 others, citizens of Douglas and Umpqua counties, praying for the location of a territorial road from some point on the Scottsburg and Winchester road, to intersect the military road at Jenkins'.

Referred to committee on roads and highways.

Mr. Smith presented the petition of I. J. Hughes and 114 others, citizens of Linn, Benton, and Lane counties, praying for a territorial road from Takenah, in Linn county, to Applegate's Ford, Scinesiau creek.

Referred to the committee on counties.

Mr. Smith presented the petition of J. M. McConnell and 880 others, citizens of Linn county, praying the Legislature to change the name of the town of Takenah back to Albany.

Laid on the table.

Mr. Crandall, from the select committee to which was referred the petition of John Baker, for relief, reported the same back adverse to the prayer of the petitioner.

Adopted.

H. B. 5. Relating to common schools and school lands,

Was read a third time and passed.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am directed by the President to inform you that the Council has passed—

C. B. 8. A bill for the relief of A. L. Humphrey, L. F. Grover, and Robert Thompson;

And the House is requested to concur therein:

C. B. 8 was read a first time.

Mr. Starkweather presented a bill—

H. B. 31. To amend an act entitled "An act relating to assessors."

Read a first time.

On motion,

The House adjourned.

AFTERNOON SESSION.

Messrs. Drew and Walker, members elect from Jackson county, appeared, were qualified, and took their seats.

On motion of Mr. Crandall,

The Auditor's report was referred to the committee to which was referred the report of the Territorial Treasurer—Messrs. Crandall, Smith, and Starkweather.

Mr. Holmes, from the committee on claims, reported back

H. B. 27. For the payment of the account of Addison R. Flint,

With the following amendment:

Strike out, in section one, second line, the words "one hundred and eighty," and insert "sixty-three."

Mr. Ford, from the minority of the same committee, reported adverse to the passage of the bill.

On motion,

The report of the majority of the committee, with accompanying amendment, was adopted, and the bill ordered to be engrossed.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am instructed by the President to inform you that the Council has passed—

H. M. 8. Relative to establishing a collection district,

With the accompanying amendment, and the House is requested to concur therein; also,

H. J. R. 9. Relative to each sergeant-at-arms furnishing each member of the two Houses with a copy of each printed bill.

Council amendment to H. M. 3—Strike out, in the thirty fifth line, the words "may be subserved," and insert the same after the word "civilization," in the thirty-ninth line—was concurred in.

Mr. Patterson presented a resolution—

H. J. R. 11. Asking Congress to put mail stages on the route between Corvallis and Jacksonsville.

Adopted.

Mr. Humason presented a resolution—

H. J. R. 13. Asking our delegate in Congress to use his influence to procure an appropriation for a military road from some point in the Willamette Valley to Fort Dalles.

Adopted.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am directed by the President to inform you that the Council has passed—

H. B. 18. To legalize the marriage between Peter Smith and Sarah Smith; also,

H. B. 13. To legalize the marriage of John C. Carey to Sarah Carey;

And they are herewith transmitted for enrollment.

Mr. Henry presented a memorial from James H. D. Henderson, relative to a prohibitory liquor law.

Mr. Coffinbery moved its indefinite postponement.

Upon which question the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Coffinbery, Dunn, Drew, Gazley, Hembree, Hinton, Ladd, Patterson, and Speaker—9.

Nays—Messrs. Butler, Brown, Condon, Crandall, Elkins, Ford, Geer, Gillespie, Henry, Humason, Holmes, Smith, Starkweather, St. Clair, Tanner, and Walker—16.

So the motion was lost.

Mr. Smith moved its reference to the committee on education.

Upon which question the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Brown, Condon, Hembree, Henry, Humason, Hinton, Smith, Starkweather, St. Clair, and Speaker—10.

Nays—Messrs. Butler, Coffinbery, Crandall, Dunn, Drew, Elkins, Ford, Gazley, Geer, Gillespie, Holmes, Ladd, Patterson, Tanner, and Walker—15.

So the motion was lost.

Mr. Ford moved that it be referred to the committee on roads and highways.

Upon which question the yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Coffinbery, Crandall, Dunn, Drew, Ford, Geer, Humason, Ladd, Patterson, Walker, and Speaker—11.

Nays—Messrs. Butler, Brown, Condon, Elkins, Gazley, Gillespie, Hembree, Henry, Hinton, Holmes, Smith, Starkweather, St. Clair, and Tanner—14.

So the motion was lost.

Mr. Butler moved its reference to the judiciary committee.

Lost.

Mr. Geer moved its reference to the committee on commerce.

Lost.

Mr. Patterson moved it be laid on the table.

Mr. Humason moved to amend by adding, "until the first day of April next."

Which amendment was adopted.

On motion of Mr. Geer,

The memorial was laid on the table.

On motion,

The House adjourned.

SATURDAY, JANUARY 6, 1855.

House met pursuant to adjournment.

Absent—Messrs. Belknap, Elkins, Lovejoy, McIntire, and Walker.

The journal was read.

Mr. Butler, from the select committee to which was referred

H. B. 25. To amend "An act relating to estrays and to property lost or unclaimed," passed January 26, 1854,

Reported the same back, with the following amendments:

Section two, third line, after the word "the," insert the words "clerk of the."

Section seven, fifteenth line, strike out all after the word "absolutely," and all of the fourteenth line.

Section nine, eighth line, after the word "stray," insert "more than five days."

Adopted.

On motion,

H. B. 25 was ordered to be engrossed and read a third time on Monday.

C. B. 8. For the relief of Humphrey, Grover, and Thompson,

Was read a second time, and

Referred to committee of the whole.

H. B. 29. To amend an act entitled "An act respecting executors and administrators, and the disbursement of real and personal estate,"

Was read a second time, and,

On motion of Mr. Crandall,

Ordered to be engrossed and read a third time on Monday next.

H. B. 30. To provide for the election of judges of the election by the people,

Was read a second time, and,

On motion of Mr. Gazley,

Was considered engrossed, and ordered to be read a third time on Monday next.

Mr. Holmes, on leave, presented a bill—

H. B. 32. For the survey of a territorial road from Grand Ronde, in Polk county, to Tillamook Bay.

Read a first time.

Mr. Henry, on leave, presented a bill—

H. B. 33. To extend the time of keeping open the polls at elections, so as to conform to the new system of *viva voce* voting.

Read a first time.

Mr. Gazley, on leave, presented a bill—

H. B. 34. Making account books evidence in courts.

Mr. Ford offered the following resolution (H. R. 18):

Resolved, That when this House adjourn, it adjourn till Monday next.

Mr. Crandall moved to strike out "Monday" and insert "Tuesday."

Which amendment was accepted, and the resolution lost.

On motion of Mr. Smith,

The House resolved itself into committee of the whole on C. B. 8, Mr. Smith in the chair—

After some time spent therein, the committee rose, and reported back

C. B. 8. For relief of Humphrey, Grover, and Thompson,

Without amendment, and recommended its passage.

On motion of Mr. Geer,

The rules were suspended, and the bill was read a third time and passed.

Mr. Patterson presented a bill—

H. B. 35. To view and locate a territorial road from John Cochran's, on the Coast Fork of the Willamette, to intersect the military road at or near Winchester, in Douglas county, or some point between that and Jacksonville, in Jackson county.

Read a first time.

On motion of Mr. Hembree,

The report of the University Land Commissioner was taken up.

On motion of Mr. Henry,

The report was referred to the committee to which was referred the report of the Territorial Treasurer.

Mr. Starkweather moved the House take up

H. B. 17. To create and secure a homestead to the head of every family.

Disgreed to.

Mr. Hembree presented a petition from W. S. Ayrs and 12 others, citizens of Yamhill and Marion counties, praying the Legislative Assembly for a re-survey of the county line between the two counties.

On motion of Mr. Hembree,

Referred to a select committee of three.

Messrs. Hembree, Logan, and Starkweather, were appointed said committee.

Mr. Ladd gave notice that on some subsequent day of the session he would introduce a memorial, memorializing Congress to extend to the citizens of Oregon Territory the same rights and privileges relative to our domestic affairs, &c., that were given to the citizens of Kansas and Nebraska under the act of Congress establishing a Territorial Government for said Territories.

On motion,

The House adjourned.

AFTERNOON SESSION.

Mr. Hembree, on leave, presented a bill—

H. B. 36. To relocate the seat of government of the Territory of Oregon.

Read a first time.

Mr. Crandall offered the following resolution (H. R. 19):

Resolved, That the use of this hall be given to the Democrats of the Territory, on Monday, January 8th, for the purpose of holding a Jacksonian celebration.

Adopted.

Mr. Dunn, on leave, presented a bill—

H. B. 37. To relocate the Territorial University.

Read a first time.

On motion,

The House adjourned.

MONDAY, JANUARY 8, 1855.

The House met pursuant to adjournment.
Absent—Messrs. Lovejoy, Tanner, and Walker.
The journal was read.
Mr. Ladd, on leave, offered the following resolution (H. R. 20):

Resolved, That when this House adjourn, it adjourns till to-morrow, 10 o'clock, A. M.

On motion,
The House adjourned.

TUESDAY, JANUARY 9, 1855.

The House met pursuant to adjournment.
Absent—Messrs. Butler, Brown, Elkins, Hembree, Smith, and Starkweather.
The journal was read.

Mr. Lovejoy presented a petition from Wm. Whitlock and 30 others, praying the Legislative Assembly to memorialize Congress for the establishment of military posts on the emigrant route.
Referred to committee to which was referred a like petition from Dr. Prettyman and others—Lovejoy, Smith, and Elkins.

Mr. Lovejoy presented a petition from Joshua E. Witten and 121 others, citizens of Clackamas and Washington counties, asking a territorial road from Sandy river to Portland.
Referred to committee on roads and highways.

Mr. Henry presented a petition from John Shire and 177 others, citizens of Washington, Yamhill, Marion, and Clackamas counties, praying for a new county, to be called Willamette.
Referred to a select committee of three.
Messrs. Ford, Hembree, and Lovejoy, were appointed said committee.

Mr. Belknap presented a petition from Herman W. Davis and 82 others, citizens of Portland, asking the Legislative Assembly to pass a law exempting the certificated members of the fire department of that city from military and jury duties, and from road tax.
Referred to a select committee of three.
Messrs Belknap, Logan, and Dunn, were appointed said committee.

Mr. Butler, from the committee on enrolled bills, reported the following bills truly enrolled: H. B. Nos. 13, 24, 18, 11, 6, 15, and 7; also, H. J. R. 9, and H. M. Nos. 2 and 3.

H. B. 30. To provide for the election of judges of election by the people,

Was read a third time, and,

On motion of Mr. Butler,

The bill was indefinitely postponed.

H. J. R. 6 and H. J. R. 11 being the special order of the day,

On motion of Mr. Elkins,

Referred to committee of the whole.

On motion of Mr. Ford,

The House resolved itself into committee of the whole on H. J. R. Nos. 6 and 11,

Mr. Lovejoy in the chair—

And after some time spent therein, the committee rose, reported progress, and asked leave to sit again.

Granted.

On motion,

The House adjourned

AFTERNOON SESSION.

The Speaker gave notice that he had signed—

H. B. 24. To create the county of Multnomah,

Mr. Condon, on leave, presented a bill—

H. B. 38. To amend an act entitled "An act to establish an institution of learning in Washington county."

Read a first time, and,

On motion of Mr. Condon,

Referred to a select committee of three.

Messrs. Condon, Henry, and Smith, were appointed said committee.

Mr. Elkins presented a bill—

H. B. 39. To amend an act relating to assessment and collection of taxes.

Read a first time.

Mr. Smith presented a petition from N. Goltra and 19 others, praying the Legislative Assembly to amend the act incorporating the Santiam Academy.

Referred to committee on education.

On motion of Mr. Holmes,

The House resolved itself into committee of the whole on unfinished business; and after some time spent therein, rose, reported progress, and asked leave to sit again.

Granted.

On motion,

The House adjourned.

WEDNESDAY, JANUARY 10, 1855.

The House met pursuant to adjournment.

The journal was read.

Mr. Coffinbery presented a petition from E. Weld and 21 others, citizens of Clatsop county, praying for a territorial road commencing at the terminus of the Puget Sound and Oak Point road, now in contemplation in Washington Territory, to intersect the military road leading from Astoria to Tualitin Plains.

On motion of Mr. Coffinbery,

Referred to committee on roads and highways.

Mr. Humason presented a petition from Joseph C. Geer, Sen., and 24 others, citizens of this Territory, praying the repeal of the Sunday law.

Referred to the committee on commerce.

Mr Geer presented a petition from P. Crandall, on the same subject.

Referred to same committee.

Mr. Geer presented a petition from William Price and 25 others, citizens of Marion county on the same subject.

Referred to same committee.

Mr. Lovejoy presented a remonstrance from E. B. Fellows and 59 others, against the petition for a territorial road from Sandy river to Portland.

Referred to the committee on roads and highways.

Mr. Brown presented a petition from John D. Love and 159 others, for a territorial road from Brownsville, in Linn county, to intersect the territorial road on the waters of Long Tom, at or near Henry Coleman's, in Lane county.

Referred to committee on roads and highways.

Mr. Geer, from the committee on roads and highways, to which was referred the petition of J. P. Ladd and others, praying for a territorial road from Green Valley to Jenkins', reported by bill—

H. B. 40. To locate a territorial road from Green Valley, in Umpqua county, to Willis Jenkins, in Douglas' county.

Read a first time.

Mr. Butler, from the committee on enrolled bills, reported C. B. 2 truly enrolled.

Mr. Belknap presented the report of the commissioners to erect a Penitentiary.

[See Appendix.]

Ordered to be printed.

H. B. 34. Making account books evidence in courts,

Was read a second time, and

Referred to the judiciary committee.

H. B. 31. To amend an act relative to assessors,

Was read a second time, and

Referred to the judiciary committee.

H. B. 32. To survey a territorial road from Grand Ronde, in Polk county, to Tillamook Bay,

Was read a second time, and,

On motion,

Considered engrossed, and ordered to be read a third time to-morrow.

H. B. 33. To extend the time of keeping open the polls, so as to conform to the *viva voce* law,

Referred to a select committee.

Messrs. Humason, Smith, and Elkins, were appointed said committee.

H. B. 35. To locate a territorial road from John Cochran's, in Lane county, to Jacksonville, in Jackson county,

Was read a second time, and,

On motion of Mr. Gazley,

Referrred to a select committee.

Messrs. Gazley, Elkins, and Gillespie, were appointed said committee.

H. B. 36. To relocate the seat of government of the Territory

Was read a second time.

Mr. Logan moved to amend by striking out James H. Bennett, president of the proposed board of commissioners, and insert the name of R. R. Biddle, where it may occur in the bill.

Upon which question the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Butler, Condon, Dunn, Drew, Hembree, Henry, Hinton, Holmes, Ladd, Logan, Lovejoy, McIntire, St. Clair, Tannner, Walker, and Speaker—17.

Nays—Messrs. Brown, Coffinbery, Crandall, Elkins, Ford, Gazley, Geer, Gillespie, Humason, Patterson, Smith and Starkweather—12.

So the amendment was adopted.

Mr. Humason moved the indefinite postponement of the bill.

Upon which question the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Brown, Crandall, Elkins, Ford, Gazley, Geer, Gillespie, Humason, Patterson, Smith, Starkweather, and Mr. Speaker—12.

Nays—Messrs. Belknap, Butler, Coffinbery, Condon, Dunn, Drew, Hembree, Henry, Hinton, Holmes, Ladd, Logan, Lovejoy, McIntire, St. Clair, Tanner, and Walker—17.

So the motion was lost.

Mr. Lovejoy moved that the bill be engrossed and read a third time on Saturday; and on that motion moved the previous question.

The question being—"Shall the main question be now put?"
The yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Butler, Coffinbery, Condon, Crandall, Dunn, Drew, Hembree, Henry, Hinton, Holmes, Ladd, Logan, Lovejoy, McIntire, St. Clair, Tanner, Walker, and Speaker—19.

Nays—Messrs. Brown, Elkins, Ford, Gazley, Geer, Gillespie, Humason, Patterson, Smith, and Starkweather—10.

Carried.
The yeas and nays were then demanded on the main question, and resulted as follows:

Yeas—Messrs. Belknap, Butler, Coffinbery, Condon, Dunn, Drew, Henry, Hembree, Hinton, Holmes, Ladd, Logan, Lovejoy, McIntire, St. Clair, Tanner, and Walker—17.

Nays—Messrs. Brown, Crandall, Elkins, Ford, Gazley, Geer, Gillespie, Humason, Patterson, Smith, Starkweather, and Mr. Speaker—12.

Carried.
H. B. 37. To re-locate the Territorial University,
Was read a second time.
Mr. Elkins moved it be referred to a select committee.
Lost.
Mr. Humason moved it be referred to the committee on education.
Lost.
Mr. Gazley offered the following amendments:

1st amendment—

Strike out the words "Jacksonville, in the county of Jackson," in the second line, and first section, and insert "Deer Creek, in the county of Douglas."

Lost.
2d amendment—

Strike out, in the first line of section two, the words "Richard Dugan, W. W. Fowler, and Geo. H. Ambrose," and insert "William Martin, Aaron Rose, and James Burnett."

Lost.
3d amendment—

Insert, at the end of the third section, the following:

Provided, That if the Congress of the United States shall enact a law merging the said University fund into a common school fund,

before the 1st day of May, A. D. 1856, then this act shall be void and of no effect: *provided further*, that no money shall be expended on the construction of said University previous to said 1st day of May, A. D. 1856.

Adopted.

On motion of Mr. Lovejoy,

The bill was ordered to be engrossed and read a third time on Saturday next.

On motion,

The House adjourned.

AFTERNOON SESSION.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am directed by the President to inform you that he has signed—

H. B. 24. A bill to create the county of Multnomah,

And is herewith transmitted to the House in which it originated.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am directed by the President to inform you that the Council has passed—

C. B. 13. A bill to levy a road tax in certain cases;

And the House is requested to concur therein.

C. B. 13 was read a first time.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am instructed by the President to inform you that the Council has passed the accompanying bills—

C. B. 9. A bill to regulate the mode of computing freights by water;

C. B. 11. A bill to amend an act entitled "An act relating to roads and ferries;"

C. B. 10. A bill for the relief of Wm. J. Herren;

And the House is requested to concur. Also, C. B. 2 reported truly enrolled; and it is herewith transmitted for your signature.

C. B. 9 was read a first time.

On motion of Mr. Logan,

The rules were suspended and the bill read a second time.

On motion of Mr. Logan,

It was referred to committee on commerce.

C. B. 10. A bill for relief of Wm. J. Herron, ex sheriff.

Read a first time.

C. B. 11. A bill relating to territorial roads and ferries.

Read a first time.

On motion of Mr. Logan,

The rules were suspended and the bill read a second time now.

On motion of Mr. Ladd,

Referred to a select committee of three.

Messrs. Ladd, Geer, and Logan, were appointed said committee.

H. B. 4. To provide for the holding a convention to frame a State constitution,

Being the special order of the day for this day,

On motion of Mr. Holmes,

The bill was indefinitely postponed.

Mr. Elkins presented the petition of Wm. Cyrus, and F. S. Harkly and 300 others, citizens of Linn county, praying for the removal of the county seat of said county.

On motion of Mr. Elkins,

Referred to committee on counties.

Mr. Smith presented a remonstrance from Hiram Jackson and 260 others, citizens of Linn county, against the removal.

Referred to the committee on counties.

Mr. Coffinbery, on leave, presented a bill—

H. B. 41. To create the office of public administrator.

Read a first time.

Mr. Geer presented a bill—

H. B. 42. To amend an act relating to roads and ferries.

Read a first time.

Mr. Crandall presented the petition of M. G. Foisy and 60 others, citizens of Marion county, praying that the name of Salem be changed to Valliopolis.

Also, the petition of Alfred Marshall and 20 others, citizens of the same county, and on the same subject.

On motion of Mr. Crandall,

Referred to a select committee of three.

Messrs. Crandall, Lovejoy, and Logan, were appointed said committee.

Mr. Ladd gave notice that on some subsequent day of the session he would introduce a bill to locate the county seat of Umpqua county.

Mr. Coffinbery, on leave, presented a resolution (H. R. 21):

Resolved by the House of Representatives of the Territory of Oregon, That the committee on commerce be directed to inquire into the expediency of a general law relating to and governing the erection and keeping in repair of wharfs on the navigable water courses throughout the Territory, and report to this House, by bill or otherwise, at as early a day as practicable."

Adopted.

On motion of Mr. Lovejoy,

The House resolved itself into committee of the whole on unfinished business,

Mr. Elkins in the chair—

And after some time spent therein, rose; reported progress, and asked leave to sit again.

Granted.

On motion,

The House adjourned.

THURSDAY, JANUARY, 11, 1855.

House met pursuant to adjournment.

Absent—Messrs. Gazley and Henry.

Mr. Ford presented the petition of Joel Palmer and others, citizens of Marion, Yamhill, and Clackamas counties, praying for the establishment of a new county—Willamette.

Mr. Hembree presented a remonstrance from George H. Stewart and 87 others, citizens of Yamhill county, against the establishment of Willamette county.

On motion of Mr. Ford,

The petition and remonstrance were referred to the committee to which has heretofore been referred petitions on same subject—Messrs. Ford, Hembree, and Lovejoy.

Mr. McIntire, from the committee on counties, to which was referred the petition of citizens of certain portion of Clatsop county, praying to be attached to Columbia county, reported by bill—

H. B. 43. Defining the western boundary of Columbia county.

Read a first time.

Mr. Coffinbery presented a remonstrance from Sam'l J. McKean and others, citizens of Clatsop county, against the division of the county.

Laid on the table.

On motion of Mr. Condon,

The rules were suspended and the bill read a third time now.

On motion of same,

The rules were further suspended, and the bill was read a third time and passed.

Mr. Belknap presented a bill—

H. B. 44. Exempting the officers and members of the fire departments of the cities of Oregon City and Portland from certain duties therein named.

Read a first time.

On motion of Mr. Logan,

The rules were suspended and the bill read a third time now.

On motion of Mr. Lovejoy,

The rules were further suspended, and the bill read a third time and passed.

Mr. Butler, from the committee on enrolled bills, reported C. B. 8 truly enrolled.

Mr. Condon, from the select committee to which was referred

H. B. 38. To amend an act entitled "An act to establish an institution of learning in Washington county,"

Reported the bill back without amendment.

Mr. Humason moved to amend by striking out the second section of the bill.

Upon which question the yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Belknap, Butler, Brown, Coffinbery, Crandall, Dunn, Elkins, Ford, Geer, Humason, Holmes, Ladd, Lovejoy, Patterson, Smith, Starkweather, Walker, and Speaker—18.

Nays—Messrs. Condon, Drew, Gillespie, Hembree, Henry, Hinton, Logan, McIntire, St. Clair, and Tanner—10.

So the amendment was adopted.

Mr. Humason moved that the bill be considered engrossed, and read a third time now.

Agreed to.

The bill was then read a third time and passed.

Mr. Crandall, from the select committee to which was referred the report of the University land commissioner, reported by bills—

H. B. 45. Directing the Territorial Auditor to audit certain accounts.

Read a first time.

H. B. 46. Supplemental to the "Act relating to common schools and school lands."

Read a first time.

H. B. 47. Supplemental to the "Act creating the office of commissioner to control, protect, and sell the public lands donated by Congress to the Territory of Oregon, for the establishment and endowment of a University, and to define his powers and duties.

Read a first time.

Mr. Smith, on leave, presented a memorial—

H. M. 5. Asking Congress to divert the University fund, and appropriate the same to the purposes and uses of common schools.

The question being—"Shall the memorial pass?"

The yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Butler, Brown, Coffinbery, Crandall, Elkins, Ford, Gazley, Geer, Gillespie, Humason, Ladd, Patterson, Smith, Starkweather, Tanner, and Speaker—17.

Nays—Messrs. Condon, Dunn, Drew, Hembree, Henry, Hinton, Holmes, Logan, Lovejoy, McIntire, St. Clair, and Walker—12.

So the memorial passed.

Mr. Lovejoy presented a bill—

H. B. 48. To authorize and empower the University land commissioner, to convey certain lands and lots in the Oregon City claim, in Clackamas county.

Read a first time.

On motion,

The House adjourned

AFTERNOON SESSION.

C. B. 13. To levy a road tax in certain cases,

Was read a second time, and

On motion of Mr. Logan,

Referred to committee of the whole.

H. B. 40. To locate a territorial road from Green Valley, Umpqua county, to Willis Jenkins', in Douglas county,

Was read a second time, and

On motion of Mr. Gazley,

Referred to a select committee of three.

Messrs. Gazley, Ford, and Elkins were appointed said committee.

H. B. 39. To amend an act relating to assessment and collection of taxes,

On motion of Mr. Elkins,

Referred to the judiciary committee.

H. B. 32. For the survey of a territorial road from Grand Ronde, in Polk county, to Tillamook Bay,

Was read a third time and passed.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am directed by the President to inform you that the accompanying bill—

C. B. 8. A bill for the relief of W. J. Herren,

Has been reported truly enrolled, and is herewith transmitted for your signature.

C. B. 8 was read a first time.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am instructed by the President to inform you that the Council concurs with the House in the passage of

H. J. R. 13. Relative to establishing a military road from some point in the Willamette Valley to Fort Dalles;

Also, that the Council has passed—

H. B. 3. A bill to create the office of county surveyor;

And it is herewith transmitted for enrollment.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am directed by the President to inform you that the Council has passed—

H. B. 12. A bill to locate a territorial road from Portland to Corvallis,

With the accompanying amendments, and the House is requested to concur therein.

1st amendment—

Strike out, in the 1st section, 9th and 10th lines, "Carter T. Davidson," and insert "Harrison Linville."

Lost.

2d amendment—

Strike out, in the first section, in lines 3 and 4, "Clayton Richardson," and insert "Medows Vanderpool."

Lost.

3d amendment—

In section one, Strike out the name of "John Morrow," and and insert that of "Alvis Kimsey."

Adopted.

Mr. Smith presented a bill—

H. B. 49. For the relief of George Cline, ex-sheriff of Linn county.

Read a first time.

Mr. Smith offered the following resolution (H. R. 22):

Resolved, That this House will meet, until otherwise ordered, at 9 o'clock, A. M., and at 1 o'clock, P. M.

Adopted.

Mr. Elkins offered a resolution—

H. J. R. 12. Relative to the appointment of a committee to report with regard to the late Snake Indian massacre.

Adopted.

Mr. Henry offerred the following resolution (H. R. 23):

Resolved, That the Governor be requested to furnish this House with copies of all the correspondence on file in his office, with the Department at Washington, on the subject of our Indian affairs, from the organization of the Territory up to this time.

Adopted.

Mr. Gillespie presented a bill—

H. B. 50. To charter Pacific College.

Read a first time.

Mr. Geer, from the committee on roads and highways, to which was referred the petition of Carter T. Davidson and others, reported by bill—

H. B. 51. To re-locate a portion of the territorial road from Doak's ferry, in Polk county, to Corvallis, in Benton county.

Read a first time.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am directed by the President to inform you that the Council has passed the accompanying—

C. B. 12. A bill to view a territorial road from Smith's river, in Umpqua county, to the Willamette Valley;

And the concurrence of the House is requested.

C. B. 12 was read a first time.

Mr. Lovejoy, from the judiciary committee, to which was referred the petition of Nancy Beeler for divorce, reported adverse to the prayer of the petitioner.

Adopted.

On motion of Mr. Smith,

The House resolved itself into committee of the whole on unfinished business,

Mr. Elkins in the chair—

After some time spent therein, reported the same back, with the following amendments:

1st amendment—

Strike out, in the 1st line of the 4th resolution, the words "the Territories," and insert "this Territory."

Adopted.

2d amendment—

Strike out all after the word "affairs," in the 4th line of the 4th resolution.

Adopted.

3d amendment—

Strike out the words "astonishment and," in the 1st line of the 11th resolution.

Adopted.

4th amendment—

Strike out the words "authorized, and he is respectfully

requested," and insert the word "instructed," in the 1st and 2d line of the 4th resolution.

Adopted.

Mr. Ladd moved to strike out the 5th resolution entire.

Upon which question the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Butler, Condon, Crandall, Drew, Geer, Hembree, Henry, Hinton, Holmes, Ladd, Logan, Patterson, St. Clair, and Tanner—14.

Nays—Messrs. Belknap, Brown, Coffinbery, Dunn, Elkins, Ford, Gazley, Gillespie, Humason, Lovejoy, Smith, Starkweather, Walker, and Speaker—14.

So the motion was lost.

The question then being on the final passage of the resolutions,

The yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Butler, Brown, Coffinbery, Crandall, Dunn, Elkins, Ford, Gazley, Geer, Gillespie, Humason, Hinton, Holmes, Lovejoy, Smith, Starkweather, Walker, and Speaker—19.

Nays—Messrs. Condon, Drew, Hembree, Henry, Ladd, Logan, Patterson, St. Clair, and Tanner—9.

So H. J. R. 6 was passed.

On motion,

The House adjourned.

FRIDAY, JANUARY 12, 1855.

The House met pursuant to adjournment.

Absent—Messrs. Dunn, Drew, Gazley, Starkweather, St. Clair, and Walker.

The journal was read.

Mr. Hembree presented a petition from E. W. Marshall and others, praying for an amendment in the school laws.

Referred to a select committee of three.

Messrs. Hembree, Henry, and Elkins, were appointed said committee.

Mr. Coffinbery presented claims from J. W. Wallace and others, for viewing and laying out a road from Astoria to the Willamette Valley.

On motion of Mr. Coffinbery,

Referred to committee on claims.

Mr. Ladd, from the committee on commerce, reported back C. B. 9, with the following amendments, and recommended the passage of the bill:

Insert in place of "February," in 3d section, the word "March," so as to read, "This act to be in force from and after the first day of March next."

Report adopted.

Mr. Crandall, from the committee on engrossed bills, reported H. B. Nos. 29 and 25 truly engrossed.

Mr. Ladd offered for adoption the following resolution (H. R. 24):

Resolved, That no member of this House shall be allowed to occupy the floor in speaking more than thirty minutes at any one time.

Adopted.

Mr. Crandall offered for adoption the following resolution (H. R. 25):

Resolved, That, until further ordered, this House will meet at 10 o'clock in the forenoon, and 2 o'clock in the afternoon.

Adopted.

C. B. 10. A bill for the relief of Wm. J. Herren,

Was read a second time, and,

On motion of Mr. Crandall,

Referred to a select committee of three.

Messrs. Crandall, Logan, and Dunn, were appointed said committee.

C. B. 12. To view a territorial road from Smith's river, in Umpqua county, to the Willamette Valley,

Was read a second time.

Mr. Ladd moved to amend by striking out the name of "Thomas Hinton," and inserting that of "S. Scofield."

Adopted.

On motion of Mr. Humason,

The bill was referred to committee on roads and highways.

C. B. 9. A bill to regulate the mode of computing freights by water,

Was read a second time, and

On motion of Mr. Logan,

The rules were suspended, and the bill read a third time and passed.

H. B. 29. To amend an act entitled "An act respecting executors, and administrators, and the disbursement of real and personal estate,"

Was read a third time, and,

On motion of Mr. Logan,

Referred to a select committee of three.

Messrs. Logan, Geer, and Smith, were appointed said committee.

H. B. 25. To amend "An act relating to estrays, and to property lost or unclaimed,"

Was read a third time, and,

On motion of Mr. Gillespie,

Referred to a select committee.

Messrs. Gillespie, Lovejoy, and Logan, were appointed said committee.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am directed by the President to inform you that the Council has passed—

H. J. R. 12. Relative to the appointment of a committee to report with regard to the late Snake Indian massacre,

With the accompanying amendment, and the House is requested to concur therein. Also, that the Council refuses to recede in the amendments to

H. B. 12. A bill to locate a territorial road from Portland to Corvallis;

And it is herewith transmitted.

Council amendment—

Be it resolved by the Council, the House concurring, That our delegate in Congress be requested to use his best endeavors to have a line of stages put on the mail route from Portland to the southern boundary of Oregon Territory, by way of Hillsborough, in Washington county, Lafayette, in Yamhill county, Dallas, in Polk county, Corvallis, in Benton county, to Yoncolla, in Umpqua county, Winchester and Deer Creek, in Douglas county, Jacksonville, in Jackson county, to the southern boundary of Oregon, connecting with the line of stages in the State of California.

The question being upon the adoption of Council amendment,

The yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Butler, Condon, Dunn, Drew, Elkins, Gillespie, Hembree, Henry, Hinton, Holmes, Ladd, Logan, McIntire, Patterson, Smith, Starkweather, St. Clair, and Tanner—19.

Nays—Messrs. Brown, Coffinbery, Crandall, Ford, Gazley, Geer, Humason, Lovejoy, and Speaker—9.

So the Council amendment was adopted.

Mr. Smith presented the petitition of the Oregon Methodist Conference, praying for a prohibitory liquor law.

Mr. Ford moved that the petition be referred to the judiciary committee.

Mr. Ladd moved that the petition be laid on the table.

Upon which question the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Brown, Coffinbery, Dunn, Drew, Elkins, Gazley, Geer, Hembree, Humason, Hinton, Ladd, Logan, McIntire, Patterson, Smith, Starkweather, St. Clair, Tanner, and Speaker—20.

Nays—Messrs. Butler, Condon, Ford, Gillespie, Henry, Holmes, and Lovejoy—7.

So the petition was laid on the table.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am instructed by the President to inform you that the Council concurs with the House in the passage of

H. J. R. 13. Relative to the Snake river massacre;

And that Messrs. Peebles, Scott, and Cleaveland are appointed the committee on the part of the Council.

Messrs. Elkins, Condon, Logan, Hembree, and Ladd, were appointed said committee on part of the House.

Mr. Coffinbery, on leave, presented a bill—

H. B. 52. To submit the question of a prohibitory liquor law to the people.

Read a first time.

Mr. Lovejoy presented a bill—

H. B. 53. To incorporate the Oregon Distilling Company.

Read a first time.

Mr. Belknap presented a petition from the city council of Portland, asking the Legislature to remunerate them for the loss by fire of their city jail while used by the Territory for a penitentiary.

On motion of Mr. Logan,

Referred to a select committee of three.

Messrs. Logan, Starkweather, and Belknap, were appointed said committee.

On motion,

The House adjourned

AFTERNOON SESSION.

The Speaker gave notice that he had signed—

C. B. 8. For the relief of Humphrey, Grover and Thompson;

Also, C. B. 2. To amend an act entitled "An act to prevent the sale of ardent spirits to Indians.

Mr. Elkins gave notice that on some subsequent day of the session he would introduce a bill to create a territorial superintendent of common schools; also, a board of education.

Mr. Patterson presented a bill—

H. B. 54. To amend an act entitled "An act regulating the granting of licenses to sell spirituous liquors."

Read a first time.

H. B. 41. To create the office of public administrator,

Was read a second time

Mr. Logan moved that the bill be laid on the table.

Lost.

On motion of Mr. Belknap,

The bill was referred to the judiciary committee.

H. B. 48. To authorize and empower the University land commissioner, to convey certain lands and lots in the Oregon City claim, in Clackamas county,

Was read a second time, and

Ordered to be engrossed, and read a third time to-morrow.

C. B. 4. To regulate the fees of certain officers, and other persons,

Was read a first time by its title, and,

On motion,

The rules were suspended and the bill read a third time, and,

On motion of Mr. Crandall,

Referred to committee of the whole.

Mr. Geer, from the committee on roads and highways, to which was referred the petition of John D. Love and others, reported by bill—

H. B. 55. To locate a territorial road from Brownsville, in Linn county, to Winchester, in Douglas county.

Read a first time.

On motion of Mr. Lovejoy,

The House resolved itself into committee of the whole on C. B. 4, Mr. Lovejoy in the chair—

And after some time spent therein, reported the same back, with the following amendments:

1st amendment. Section 3, strike out the 3d line entire.

2d. In 6th line, same section, strike out "$1," and insert "50 cents."

3d. 15th line; same section, strike out "50 cents," and insert "25 cents."

4th. In section 8, 23d line, strike out "25," and insert "15."

5th. In section 8, 25th line, strike out "50," and insert "25,"

6th In section 8, 31st line, strike out "$3," and insert "$2."

7th. In section 10, 13th line, strike out "20," and insert "15."

8th. In section 12, 20th line, add, after the word "person," the words "to be paid by the person or persons to whom such license may be issued."

9th. In section 14, insert, after the words "officer, and 100," the following: "but in no case shall a party in any court recover costs for more than three witnesses, unless the court shall certify

that a larger number were necessary to maintain the parties' cause of action or defence; and the court shall enter an order for the payment of costs to such as it shall certify to be necessary beyond three."

10th. In section 20, strike out all after the word "increase," in the 3d line, to the word "the," in the 4th line.

11th. In section 28, in 2d line, after the word "therein," insert "also jurors and witnesses."

12th. In section 28, 3d line, after the word "officers," insert "jurors and witnesses."

13th. Insert—"Section 22. That section 6, of chapter 8, of an act regulating proceedings at law in the supreme and district court, be and the same is hereby repealed."

On motion,
The House adjourned.

SATURDAY, JANUARY 13, 1855.

House met pursuant to adjournment.

Absent—Mr. Humason.

The journal was read.

Mr. Smith presented a petition from D. W. Wakefield and others, praying that the name of Takenah be changed back to Albany.

Laid on the table.

Mr. Crandall, from the committee on engrossed bills, reported H. B. Nos. 6, 37, and 48, as truly engrossed.

Mr. Butler, from the committee on enrolled bills, reported C. B. 9, H. B. 3, and H. J. R. Nos. 13 and 14, truly enrolled.

Mr. Gillespie, from the select committee to which was referred H. B. 25, reported the same back with the following amendment:

Insert, after the word "days," in section 9, line 12th, "at any one time."

Adopted.

Mr. Gazley, from the committee to which was referred H. B. 35, reported the same back with the following amendments:

1st. Strike out the word "Winchester," in the 6th line of section 1, and insert "or Deer Creek."

2d. Strike out all after the word "county," in the 6th line of section 1.

Mr. Gazley, from the select committee to which was referred H.

B. 40, reported the same back, with the following amendments:

1st. Strike out the name of "Joseph Knott," in the 1st section, second line, and insert the name of "Willis Jenkins."

2d. Add, after the word "at," and insert "or near," in the 6th line of the first section, in the printed bill.

3d. After the word "county," in the 7th line of section 1, add, "which said military road is hereby declared a territorial road to Myrtle creek, in said county."

Mr. Hembree, from the select committee to which was referred the petition of E. W. Hinkle and others, for an amendment to the common school law, reported by bill—

H. B. 56. To amend an act entitled "An act relating to common schools and school lands."

Read a first time.

Mr. Henry presented a bill—

H. B. 57. Providing for the sale of school lands, and for creating a territorial superintendent, and a board of commissioners for managing the irreducible school fund.

Read a first time.

H. B. 42. To amend an act relating to roads and ferries,

Was read a second time, and

On motion of Mr. Smith,

Referred to committee of the whole.

H. B. 48. To authorize and empower the University land commissioner to convey certain lands and lots in the Oregon City claim, in Clackamas county,

Was read a third time and passed.

Message from the Council, by Mr. Genois, their clerk:

Mr. Speaker: I am directed by the President to inform you that

C. B. 9. A bill to regulate the mode of computing fteights by water,

Has been reported truly enrolled, and is herewith transmitted for your signature.

Message from the Council, by Mr. Genois, their clerk:

Mr. Speaker: I am instructed by the President to inform you that the Council has passed the accompanying—

C. J. R. 8. Relating to electing all officers who by law may be required to be elected by the Legislative Assembly;

And it is herewith transmitted to the House for concurrence.

C. J. R. 8. was passed.

Message from the Council, by Mr. Genois, their clerk:

Mr. Speaker: I am directed by the President to inform you that the Council has passed the accompanying—

C. J. R. 7. Relative to framing a State constitution, and submitting the same to the people the coming election;
And the concurrence of the House is requested.

C. J. R. 7 was referred to committee of the whole.
H. B. 36. To relocate the seat of government of the Territory of Oregon,
Was read a third time.
The question being—"Shall the bill pass?"
The yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Butler, Coffinbery, Condon, Dunn, Drew, Hembree, Henry, Hinton, Holmes, Ladd, Logan, Lovejoy, McIntire, St. Clair, Tanner, and Walker—17.

Nays—Messrs. Brown, Crandall, Elkins, Ford, Gazley, Geer, Gillespie, Humason, Patterson, Smith, Starkweather and Mr. Speaker—12.

So the bill passe l.
Mr. Logan moved that
H. B. 37. To re-locate the Territorial University,
Be taken up, and referred to a select committtee.
Upon which question the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Butler, Coffinbery, Condon, Dunn, Drew, Hembree, Henry, Hinton, Holmes, Ladd, Logan, Lovejoy, McIntire, St. Clair, Tanner, and Walker—17.

Nays—Messrs. Brown, Crandall, Elkins, Ford, Gazley, Geer, Gillespie, Humason, Patterson, Smith, Starkweather, and Mr. Speaker—12.

Carried.
Messrs. Logan, Smith, and Starkweather, were appointed said committee.
Mr. Humason moved that the committee be instructed to report on Monday next.
Lost.
On motion,
The House adjourned.

MONDAY, JANUARY 15, 1855.

The House met pursuant to adjournment.

Absent—Messrs. Ford, Henry, and Holmes.

The journal was read.

Mr. Coffinbery presented additional papers in the case of Wallace and others, for relief.

Referred to the committee on claims.

H. B. 45. Directing the Territorial Auditor to audit certain accounts,

Was read a second time, and

On motion of Mr. Lovejoy,

Ordered to be engrossed and read a third time to-morrow.

H. B. 47. Supplemenal to the "Act creating the office of commissioner to control, protect, and sell the public lands donated by Congress to the Territory of Oregon, for the establishment and endowment of a Univesrity, and to define his powers and duties,

Was read a second time, and,

On motion of Mr. Logan,

Referred to committee on education.

H. B. 46. Supplemental to the "Act relating to common schools and school lands,"

Was read a second time, and,

On motion of Mr. Smith,

Referred to committee on education.

H. B. 51. To re-locate a portion of the territorial road from Doak's ferry, in Polk county, to Corvallis, in Benton county.

Was read a second time, and,

On motion of Mr. Butler,

Considered engrossed, and ordered to be read a third time to-morrow.

H. B. 54. To amend an act entitled "An act regulating the granting of licenses to sell spirituous liquors,"

Was read a second time, and,

On motion of Mr. Lovejoy,

Referred to committee of the whole.

H. B. 49. For the relief of George Cline, ex-sheriff of Linn county,

Was read a second time, and,

On motion of Mr. Smith,

The rules were suspended, and the bill considered engrossed, and read a third time and passed.

H. B. 50. To charter Pacific College,

Was read a second time, and,

On motion of Mr. Gillespie,

Referred to a select committee.

Messrs. Gillespie, Lovejoy, and Smith, were appointed said committee.

C. B. 13. A bill to levy a road tax in certain cases,

Read for information, and re-committed to committee of the whole.

H. B. 25. To amend "An act relating to estrays, and to property lost or unclaimed."

Mr. Gillespie moved to re-consider the vote on H. B. 25, and that it be considered engrossed and read a third time to-morrow.

Adopted.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am directed by the President to inform you tha the Council has passed the accompanying bill—

H. B. 38. To amend an act entitled "An act to establish an institution of learning in Washington county,"

And is herewith transmitted to the House in which it originated, for enrollment.

H. B. 22. A bill to prevent the manufacture of all intoxicating liquors, and to prevent its sale in quantities less than one quart,

Being the special order of the day for this day, was,

On motion of Mr. Lovejoy,

Informally passed over until the afternoon session.

On motion of Mr. Smith,

The petitions relating to the change of the name of Takenah back to Albany, were taken up, and

Referred to a select committee.

Messrs. Smith, Elkins, and Lovejoy, were appointed said committee.

On motion of Mr. Logan,

The House resolved itself into committee of the whole on

C. J. R. 7. To draft a State constitution to submit to the people,

Mr. Humason in the chair—

And after some time spent therein, the committee rose, and reported the same back without amendment.

On motion of Mr. Smith,

The resolution was laid on the table, and made the special order of the day for Friday next.

On motion,

The House adjourned

AFTERNOON SESSION.

H. B. 40. To locate a territorial road from Green Valley, Umpqua county, to Willis Jenkins', in Douglas county,

With accompanying amendments, was taken up.

Mr. Ladd moved to amend the amendment by striking out the name of "Willis Jenkins," and insert the name of "A. R. Flint."

The amendment to the amendment was agreed to, and the amendment was adopted.

The second amendment was adopted.

The third amendment was lost.

On motion of Mr. Lovejoy,

The bill was ordered to be engrossed, and read a third time to-morrow.

H. B. 52. To submit the question of a prohibitory liquor law to the people,

Was read a second time, and,

On motion of Mr. Logan,

Referred to committee of the whole.

Message from the Council, by Mr. Genois, their clerk:

Mr. Speaker; I am directed by the President to inform you that the Council has passed the accompanying—

C. B. 14. A bill to amend an act entitled "An act relative to the granting of license to sell spirituous liquors;

And it is herewith transmitted to the House for concurrence.

C. B. 14 was read a first time.

On motion of Mr. Logan,

The rules were suspended and the bill read a second time.

On motion of Mr. Lovejoy,

Referred to committee of the whole.

H. B. 22. To prevent the manufacture of intoxicating liquor, &c.

Was taken up, and referred to committee of the whole.

On motion of Mr. Lovejoy,

The House resolved itself into committee of the whole,

Mr. Lovejoy in the chair—

And took up H. B. Nos. 22 and 52, and C. B. 14; and after some time spent therein, the committee rose, and reported back, H. B. 52, without amendment, and recommended its passage. Also, H. B. 22, and recommend that it do not pass. Also, C. B. 14, without amendment, and ask leave to sit again.

Adopted.

On motion,

The House adjourned.

TUESDAY, January 16, 1855.

The House met pursuant to adjournment.

Absent—Messrs. Belknap, Drew, Ford, Logan, and Smith.

The journal was read.

Mr. St. Clair presented a petition from Jesse Belknap and others,

citizens of Benton county, praying that the Maine Law be submitted to the people.

Laid on the table.

M. Elkins presented a petition from E. M. Barnett and 26 others, together with the petition of B. B. Marks and 20 others, praying for the removal of the county-seat of Linn county.

Referred to the committee to which has heretofore been referred papers on the same subject.

Mr. Brown presented a remonstrance from John A. Suttle and others, citizens of school district 16, in Linn county, against the petition relative to Santiam Academy.

Referred to committee to which was referred the petition named.

Mr. Elkins presented a petition from J. R. Ralston and 38 others, citizens of Linn county, praying for the amendment of the law relating to insane persons.

Referred to the judiciary committee.

Mr. Henry presented the petition of John Minto and 12 others, citizens of Marion county, in favor of a prohibitory law.

Laid on the table.

Mr. Butler, from the committee on enrolled bills, reported H. B. 38 and H. J. R. 12 truly enrolled.

Mr. Crandall, from the committee on engrossed bills, reported H. B. Nos. 25 and 40 truly engrossed.

Mr. Lovejoy, from the judiciary committee, to which was referred H. B. Nos. 16, 31, and 39. Relative to assessment and collection of taxes, reported by bill—

H. B. 58. To amend an act relating to assessors, &c.

Read a first time.

Mr. Geer, from the committee on roads and highways, to which was referred the petition of John A. Laner and others, praying for a road from Sandy river to Portland, and the remonstrance of E. B. Fellows and others, on the same subject, reported adverse to the establishment of the road.

Mr. Crandall presented a bill—

H. B. 59. To change the name of the town of Salem.

Read a first time.

Mr. Ladd, from the committee to which was referred C. B. 11, reported the same back, without amendment, and recommended its reference to the committee of the whole.

Adopted.

Mr. Gillespie, from the select committee to which was referred

H. B. 50. To charter Pacific College,

Reported the same back with the following amendments:

1st. That the name of "Columbia" be substituted for "Pacific," wherever it occurs.

2d. Add the following as an additional clause:

"Sec. 12. That nothing in this act shall be so construed as to prevent any subsequent Legislative Assembly from altering,

amending, or repealing said act of incorporation."

3d. And that section 12 be numbered 13.

Adopted.

On motion of Mr. Lovejoy,

The bill was ordered to be engrossed and read a third time to-morrow.

Mr. Lovejoy presented a bill—

H. B. 60. To amend "An act to provide for holding the supreme and district courts."

Read a first time.

Mr. Smith presented a bill—

H. B. 61. Providing a general law creating corporations.

Read a first time.

Mr. Lovejoy presented a bill—

H. B. 62. To amend the "Act creating a school district in Oregon City."

Read a first time.

Mr. Henry presented a bill—

H. B. 63. For defining the boundary of Yambill county.

Read a first time.

Mr. Lovejoy presented a bill—

H. B. 64. To authorize the school superintendent of Clackamas county to loan the school fund of said county.

Read a first time.

H. B. 55. To locate a territorial road from Brownsville, in Linn county, to Winchester, in Douglas county,

Was read a second time.

Mr. Brown moved to amend as follows:

In section 1, 5th line, strike out all after the word "route," and insert "to intersect a territorial road leading to Winchester, at or near Henry Coleman's, in Lane county."

Adopted.

The bill was ordered to be engrossed, and read a third time to-morrow.

H. B. 40. To locate a territorial road from Green Valley, in Umpqua county, to Willis Jenkins', in Douglas county,

Was read a third time and passed.

H. B. 25. To amend "An act relating to estrays, and to property lost or unclaimed,"

Was read a third time and passed.

On motion,

The House adjourned.

AFTERNOON SESSION.

H. B. 51. To re-locate a portion of the territorial road from Doak's ferry, in Polk county, to Corvallis, in Benton county,

Was read a third time and passed.

H. B. 22. To prevent the sale and manufacture of intoxicating liquor,

Came up on its second reading.

Mr. Henry offered the following amendments:

1st. Amend section 1, 2d line, by striking out the words "this Territory," and inserting "Yamhill county."

2d. Add to section 2, after the word "prosecution," in 5th line, the words, "*Provided*, that giving away shall only apply to places of public resort, and not to private residences."

3d. Strike out sections 7, 18, 19, 21, and 22.

Mr. Hembree moved it be indefinitely postponed.

Upon which question the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Butler, Brown, Coffinbery, Crandall, Dunn, Elkins, Ford, Gazley, Geer, Hembree, Holmes, Ladd, Logan, Lovejoy, Patterson, Smith, Starkweather, and Speaker—19.

Nays—Messrs. Condon, Drew, Gillespie, Henry, McIntire, St. Clair, Tannner, and Walker—8.

So the bill was indefinitely postponed.

H. B. 52. To submit the question of a prohibitory law to the people,

Came up on its second reading.

Mr. Lovejoy moved that the bill be considered engrossed, and the rules suspended, and read a third time now.

The question then being—"Shall the bill pass?"

The yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Butler, Brown, Condon, Dunn, Drew, Elkins, Ford, Gazley, Gillespie, Hembree, Humason, Holmes, Ladd, Logan, Lovejoy, McIntire, Patterson, Smith, Starkweather, St. Clair, Tanner, Walker, and Speaker—24.

Nays—Messrs. Coffinbery, Crandall, Henry, and Hinton—4.

So the bill passed.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am instructed by the President to inform you that the Council has passed the accompanying—

H. B. 43. Defining the western boundary of Columbia county;

And it is herewith transmitted to the House in which it originated, for enrollment.

Message from the Council, by Mr. Genois, their clerk:

Mr. Speaker: I am directed by the President to inform you that the Council has passed the accompanying—

H. B. 10. A bill defining the boundary line of Clatsop county,

With the enclosed amendment; and the House is requested to concur.

Amend section 1, line 8, by striking out all after the word "thence," in said line in said section, and insert the following: "on a direct line to the head of the south branch of the Nehalem river."

Adopted.

Message from the Council, by Mr. Genois, their clerk:

Mr Speaker: I am directed by the President to inform you that the Council has passed a substitute for

H. B. 23. A bill to locate a territorial road from Sublimity, in Marion county, to Pleasant Hill, in Lane county;

And it is herewith transmitted for concurrence.

Council substitute to H. B. 23 was referred to a select committee.

Messrs. Elkins, Ford, and Gillespie, were appointed said committee.

Message from the Council, by Mr. Genois, their clerk:

Mr. Speaker: I am directed by the President to inform you that the Council has passed—

H. B. 44. Exempting the officers and members of the fire departments of the cities of Oregon City and Portland from certain duties therein named,

With the accompanying amendments. Also,

C. B. 16. A bill to authorize the sale of property on execution to collect taxes, and to transfer suits pending in cases of the division of counties;

And the concurrence of the House is requested.

1st. amendment. Section 1, line 5, strike out the words, "of the cities of Portland, and Oregon City," and insert, "of any incorporated city within the Territory."

Adopted.

2d. Section 1, line 7, strike out "or cities."

Adopted.

3d. Section 1, line 9, strike out "of," and insert "by."

Adopted.

4th. Section 2, line 5, strike out the words "they, and each of them," and insert "such persons."

Adopted.

5th. Section 2, line 7, after the word "duty," insert "and."

Adopted.

6th. Section 2, lines 9 and 10, strike out "and from any and all road tax."

The question being upon the adoption of the 6th amendment,

The yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Butler, Coffinbery, Crandall, Dunn, Drew, Elkins, Ford, Gazley, Geer, Gillespie, Ladd, and Walker—12.

Nays—Messrs. Belknap, Brown, Condon, Hembree, Henry, Humason, Hinton, Holmes, Logan, Lovejoy, McIntire, Patterson, Smith, Starkweather, St. Clair, Tanner, and Speaker—17.

So the amendment was lost.

7th, Section 3, line 1, strike out "to," and insert "shall."

Adopted.

8th. Amend the title of the bill so as to read, "An act to exempt officers and members of fire departments from certain duties therein named."

Adopted.

Mr. Logan presented a bill—

H. B. 65. To indemnify the city of Portland.

On motion,

The House adjourned.

WEDNESDAY, JANUARY 17, 1855.

The House met pursuant to adjournment.

Absent—Messrs. Coffinbery, Condon, Elkins, Logan, Smith, and Walker.

The journal was read.

Mr. Crandall, from the committee on engrossed bills, reported H. B. Nos. 45, 50, and 55 truly engrossed.

Mr. Crandall, from the select committee to which was referred

C. B. 10. A bill for relief of Wm. J. Herren, ex-sheriff,

Reported the same back without amendment, and recommended its passage.

Mr. Hembree, from the select committee to which was referred the petition of Morris Wolf and others, for the establishment of a territorial poor house, reported by bill—

H. B. 66. To establish a territorial poor house.

Read a first time.

Mr. Ford, on leave, presented a bill—

H. B. 67. To create and organize the county of Willamette.

Read a first time.

Mr. Coffinbery, on leave, presented a bill—

H. B. 68. Relative to executions.

Read a first time.

Mr. Dunn, on leave, presented a bill—

H. B. 69. To locate a territorial road from the southern boundary line of the Territory of Oregon, to intersect the military road near the residence of Geo. H. Ambrose, in Jackson county.

Read a first time.

H. B. 45. Directing the Territorial Auditor to audit certain acounts,

Was read a third time and passed.

H. B. 50. To charter Columbia College,

Came up on its final passage.

On motion of Mr. Logan,

Laid on the table.

H. B. 55. To locate a territorial road from Brownsville, Linn county, to Winchester, Douglas county,

Was read a third time.

Mr. Lovejoy moved to reconsider the vote on H. B. 55.

Adopted.

Mr. Logan offered the following amendment:

"That the third section be so amended that Linn and Lane counties defray the expenses of the location and viewing said road."

Adopted.

On motion of Mr. Logan,

The bill was ordered to be engrossed.

Mr. Logan, from the select committee to which was referred H. B. 29, reported the same back, with the following amendment:

Strike out from the word "not," in 3d line, 1st section, to the word "for," in the 4th line, same section, and insert, "in the newspaper published nearest to the place of holding the court."

The vote upon the third reading was reconsidered, and the amendment adopted.

On motion,

The bill was ordered to be engrossed.

C. B. 6. To provide for the levying and collection of taxes in Jackson county,

Was read for information.

On motion of Mr. Dunn,

The rules were suspended, and the bill read a third time and passed.

H. B. 12. To locate a territorial road from Portland to Corvallis, With Council amendments, was then taken up.

The House refused to concur.

On motion of Mr. Condon,

A committee of conference was appointed.

Messrs. Condon, Logan, and Hinton, were appointed said committee.

C. B. 4. To regulate the fees of certain officers, and other persons,

Was taken up, and the several amendments proposed by the committee of the whole were,

On motion of Mr. Dunn,

Adopted.

Mr. Geer offered the following amendment:

Amend 18th section, 3d line, by striking out "10," and inserting "5."

Lost.

C. B. 4. Was ordered to be read a third time to-morrow.

C. B. 16. To authorize the sale of property on execution, &c.

Read a first time.

On motion of Mr. Logan,

The rules were suspended and the bill read a second time, and,

On motion of same,

The rules were further suspended, and the bill was read a third time and passed.

Message from the Council, by Mr. Genois, their clerk:

Mr. Speaker: I am directed by the President to inform you that the Council has passed—

H. B. 36. To relocate the seat of government of the Territory of Oregon;

And it is herewith transmitted to the House in which it originated, for enrollment.

Message from the Council, by Mr. Genois, their clerk:

Mr. Speaker: I am directed by the President to inform you that the Council has passed—

H. B. 48. To authorize and empower the University land commissioner, to convey certain lands and lots in the Oregon City claim, in Clackamas county;

And it is herewith transmitted to the House for enrollment.

Message from the Council, by Mr. Genois, their clerk:

Mr. Speaker: I am instructed by the President to inform you that the Council has passed—

H. B. 4. A bill to revise and amend "An act to survey and mark the south line of the county of Linn,"

With the accompanying amendment; and the House is requested to concur therein.

Amend 2d section by striking out the words, "first Monday in July," and inserting "the first Monday in May."

Adopted.

The Speaker announced that he had signed H. J. R. Nos. 7, 14, 5, 4, 3, 2, 9, and 13, and H. M. Nos. 1, 2, and 3.

Mr. Logan, from the committee to which was referred

H. B. 37. To relocate the Territorial University,

Reported the same back, without amendment.

Mr. Logan moved to reconsider the vote ordering the bill to be engrossed and read a third time.

Upon which question the yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Belknap, Coffinbery, Condon, Dunn, Drew, Hembree, Henry, Hinton, Holmes, Ladd, Logan, Lovejoy, McIntire, St. Clair, Tanner, and Walker—16.

Nays—Messrs. Butler, Brown, Crandall, Elkins, Ford, Gazley, Geer, Gillespie, Humason, Patterson, Smith, Starkweather, and Speaker—13.

So the vote was reconsidered.

Mr. Starkweather offered the following amendments:

1st. After the word "Territory," in the third line of the first section, insert "except the Oregon City claim."

2d. After the word "named," in the fifth line of same section, insert "and that the Oregon City claim shall be applied for the erection and endowment of a college at Oregon City."

Mr. Logan moved that the amendments be laid on the table.

Upon which question the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Butler, Coffinbery, Condon, Dunn, Drew, Hembree, Henry, Hinton, Holmes, Ladd, Logan, Lovejoy, McIntire, St. Clair, Tanner, and Walker—17.

Nays—Messrs. Brown, Crandall, Elkins, Ford, Gazley, Geer, Gillespie, Humason, Patterson, Smith, Starkweather, and Mr. Speaker—12.

So the amendment was laid on the table.

Mr. Elkins moved that the bill be referred to committee of the whole.

Upon which question the yeas and nays were demanded, and resulted as follows:

Yeas — Messrs. Brown, Crandall, Elkins, Ford, Gazley, Geer, Gillespie, Humason, Patterson, Smith, Starkweather, and Mr. Speaker—12.

Nays — Messrs. Belknap, Butler, Coffinbery, Condon, Dunn, Drew, Hembree, Henry, Hinton, Holmes, Ladd, Logan, Lovejoy, McIntire, St. Clair, Tanner and Walker—17.

So the motion was lost.

Mr. Ford moved the bill be indefinitely postponed.

Upon which question the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Brown, Crandall, Elkins, Ford, Gazley, Geer, Gillespie, Humason, Patterson, Smith, Starkweather, and Mr. Speaker—12.

Nays—Messrs. Belknap, Butler, Coffinbery, Condon, Dunn, Drew, Hembree, Henry, Hinton, Holmes, Ladd, Logan, Lovejoy, McIntire, St. Clair, Tanner, and Walker—17.

So the motion was lost.

Mr. Logan moved to reconsider the vote on which the proviso in section 2 was passed.

Upon which motion the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Condon, Dunn, Drew, Hembree, Henry, Hinton, Holmes, Ladd, Logan, Lovejoy, McIntire, St. Clair, Tanner, and Walker—15.

Nays—Messrs. Butler, Brown, Crandall, Elkins, Ford, Gazley, Geer, Gillespie, Humason, Patterson, Smith, Starkweather, and Speaker—13.

So the vote was reconsidered.

Mr. Logan moved to fill the blank in the second section with the word "Jacksonville."

Adopted.

On motion,

The House adjourned.

AFTERNOON SESSION.

The question being—"Shall the bill be considered engrossed and read a third time now?" was withdrawn.

Mr. Lovejoy moved that the bill be considered engrossed and read a third time to-morrow.

Adopted.

C. B. 10. For the relief of Wm. J. Herren,

Was taken up.

Mr. Logan moved that it be referred to the committee on claims.

Lost.

On motion,

The bill was ordered to be read a third time to-morrow.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am directed by the President to inform you that the Council has adopted—

H. J. R. 6. Relative to the Nebraska-Kansas bill, and other measures,

With the accompanying amendments; and they are herewith transmitted for your concurrence.

On motion of Mr. Humason,

The resolutions and accompanying amendments were laid on the table.

Mr. Smith, from the committee to which was referred the petitions of certain citizens of Linn county, praying that the name of Takenah be changed back to Albany, reported by bill—

H. B. 70. Amendatory of an act entitled "An act to change the names of the towns of Albany and New Albany."

Read a first time.

On motion of Mr. Smith,

The rules were suspended and the bill read a second time.

On motion of Mr. Smith,

The rules were further suspended, and the bill read a third time and passed.

Mr. Ladd, on leave presented a bill—

H. B. 71. Regulating licenses of pedlers.

Read a first time.

A message was received from the Governor, through C. N. Terry, Esq., his private secretary, in response to a resolution of the Legislative Assembly asking for suggestions relative to the Snake Indian massacre,

Which was read and ordered to be printed.

Mr. Condon presented a resolution—

H. J. R. 15. Requiring the board of commissioners elected to superintend the erection of public buildings at the seat of government to report forthwith, and furnish immediately to this Assembly all vouchers received by them from John P. Gaines, late Governor of this Territory, in relation to the expenditures on such public buildings, and depositions of witnesses in relation to the same.

Adopted.

Mr. Henry presented a resolution—

H. J. R. 16. Requesting our delegate in Congress to use his influence to secure an improvement in our mail arrangements.

On motion of Mr. Logan,

Referred to committee on education.

Mr. Drew, on leave, presented a bill—

H. B. 72. To create and regulate the office of prosecuting attorney.

Read a first time.

On motion of Mr. Logan,

the rules were suspended, and the bill read a second time.

Mr. Logan moved that the rules be further suspended, and the bill be read a third time now.

Disagreed to.

Mr. Brown, on leave, presented a bill—

H. B. 73. For the erection of a monumental stone to be placed at the head of the grave of the late Hon. S. R. Thurston.

Read a first time.

Mr. Holmes, on leave, presented a bill—

H. B. 74. To authorize the county commissioners of Tillamook county to levy a road tax.

Read a first time.

Mr. Smith presented a petition from James B. Stephens, of Multnomah county, relative to his ferry license.

On motion of Mr. Logan,

Referred to a select committee of three.

Messrs. Logan, Smith, and Lovejoy, were appointed said committee.

Mr. Logan offered a resolution—

H. R. 26. Authorizing the committee heretofore appointed to report concerning the Snake Indian difficulty to send for persons and papers.

On motion,

The House adjourned.

THURSDAY, JANUARY, 18, 1855.

House met pursuant to adjournment.

The journal was read.

Mr. Ladd presented the petition of M. G. Walker and 97 others, praying for a new boundary line between Umpqua and Douglas counties.

On motion of Mr. Ladd,

Referred to a select committee of five.

Messrs. Ladd, Gazley, Walker, Dunn, and Brown, were appointed said committee.

Mr. Gazley presented a remonstrance against said petition.

Referred to same committee.

Mr. McIntire, from the committee on counties, to which was referred the petitions and remonstrance from citizens of Linn county,

relative to the removal of the county seat of said county, reported by bill—

H. B. 75. Providing for taking the sense of the people of Linn county relative to the removal of the county-seat of said county.

Read a first time.

Mr. Butler, from the committee on enrolled bills, reported H. B. Nos. 4, 10, 36, 43, and 48, truly enrolled.

Mr. Henry, from the committee on education, to which was referred—

H. J. R. 16. Relative to our mail arrangements,

Reported the same back, and recommended its passage.

Mr. Crandall, from the committee on printing, to which was referred—

H. J. R. 8. Providing for the printing and distribution of certain laws in pamphlet form,

Reported a bill as substitute for the same.

Mr. Geer, from the committee on roads and highways, to which was referred—

C. B. 12. To view a territorial road from Smith's river, in Umpqua county, to the Willamette Valley,

Reported the same back, with the following amendment:

Amend 3d section by striking out all after 6th line, and insert the following: "by the counties of Umpqua and Lane, in proportion to the time necessarily employed in each county. *provided*, the whole expense shall not exceed three hundred dollars."

Lost.

On motion of Mr. Ladd,

The name of "Joseph Perkins" was stricken out in the 1st section, and "S. Scofield" inserted."

On motion of Mr. Ladd,

The rules were suspended, and the bill read a third time and passed.

Mr. Crandall, from the select committee to which was referred the report of the Territorial Auditor, reported by bill—

H. B. 76. To provide for the refunding of certain moneys to the territorial treasury.

Read a first time.

Mr. Humason, from the select committee to which was referred H. B. 33, reported the same back without amendment.

Mr. Smith moved that the vote referring the petition of James B. Stephens to a select committee be reconsidered.

Lost.

Mr. Ladd offered the following resolution:

H. J. R. 17. Instructing the commissioners who were heretofore appointed to superintend the erection of public buildings at the seat of government, to stay all further proceedings relative to said buildings, and appointing a joint committee to investigate, examine,

and inquire into contracts relative to said buildings, their stage of progress, &c.

Adopted.

On motion,

The House adjourned.

AFTERNOON SESSION.

Mr. Patterson, on leave, presented a memorial—

H. M. 5. Memorializing Congress to establish a military road from Eugene City, Lane county, to the head waters of Des Shutes river, east of the Cascade mountains.

Read a first time.

Mr. Crandall presented a bill—

H. B. 77. To repeal "An act to prevent Sabbath breaking."

Read a first time.

On motion of Mr. Logan,

The rules were suspended, and the bill read a second time.

Mr. Logan moved the rules be further suspended, and the bill be considered engrossed and read a third time now.

Upon which question the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Coffinbery, Crandall, Dunn, Drew, Gazley, Hembree, Humason, Hinton, Logan, Lovejoy, Patterson, Walker, and Speaker—13.

Nays—Messrs. Belknap, Butler, Brown, Condon, Elkins, Ford, Geer, Gillespie, Henry, Holmes, Ladd, McIntire, Smith, Starkweather, St. Clair, and Tanner—16.

So the motion was lost.

Mr. Humason moved that the bill be laid on the table.

Upon which question the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Butler, Brown, Condon, Dunn, Drew, Ford, Gazley, Geer, Gillespie, Henry, Humason, Ladd, McIntire, Starkweather, St. Clair, Tanner, Walker, and Speaker—19.

Nays—Messrs. Coffinbery, Crandall, Elkins, Hembree, Hinton, Holmes, Patterson, and Smith—8.

So the bill was laid on the table.

Mr. Belknap presented a bill—

H. B. 78. Providing for the purchase in trust of lands in the city of Portland, for a town site, and regulating the sale thereof.

Read a first time, and,

On motion of Mr. Logan,

The rules were suspended, and the bill was read a second time.
On motion of Mr. Ford,
The bill was laid on the table and ordered to be printed.
H. B. 53. To incorporate the Oregon Distilling Company,
Was read a second time.
On motion of Mr. Lovejoy,
Laid on the table.
H. B. 61. Providing a general law creating corporations,
Was read a second time.
Mr. Henry moved to amend by inserting the following:

"*Provided*, that no company shall be formed for manufacturing intoxicating liquor."

Upon the adoption of which amendment the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Condon, Drew, Ford, Gillespie, Henry, and St. Clair—6.

Nays—Messrs. Belknap, Butler, Brown, Coffinbery, Dunn, Elkins, Gazley, Geer, Hembree, Humason, Hinton, Holmes, Ladd, Logan, Lovejoy, McIntire, Patterson, Smith, Starkweather, Tanner, Walker, and Speaker—22.

So the amendment was lost.
Mr. Logan moved to strike out the words "any lawful," in section 1, line 2.
Lost.
Mr. Lovejoy moved to insert, after the word "canals," in section 1, line 3, the word "breakwater."
Lost.
Mr. Elkins moved to add the following as an additional section:

"That this act shall not be so construed as to prevent any subsequent Legislature from altering, or amending, or repealing the same."

Lost.
Mr. Geer moved to strike out the words "dividend nor," in the first line of the 38th section.
Lost.
Mr. Crandall moved to amend section 38 by inserting, after the word "stockholders," the words "in corporations mentioned in section 36."
Lost.
Mr. Elkins moved to amend section 9, 2d line, after the word "endure," strike out "50" and insert "20;" same line, strike out "20" and insert "10."
Lost.

Mr. Ford moved to strike out all in section 9 to "they," in 3d line of same section.

Lost.

Mr Starkweather moved to amend section 2, 3d line, by striking out the words "to exempt," and the 4th line of same section, by striking out the words "from liability," and insert the words "shall be liable;" also, after the word "debts," in the 4th line of section 2, insert "in proportion to his share of the capital stock," and strike out the words "except as hereinafter declared," in same line.

Lost.

On motion of Mr. Smith,

The rules were suspended, the bill considered engrossed, and read a third time.

The question being—"Shall the bill pass?"

The yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Belknap, Butler, Coffinbery, Condon, Crandall, Dunn, Drew, Gazley, Hembree, Humason, Hinton, Ladd, Lovejoy, McIntire, Patterson, Smith, Tanner, Walker, and Speaker—19.

Nays—Messrs. Brown, Elkins, Ford, Geer, Gillespie, Henry, Holmes, Logan, Starkweather, and St. Clair—10.

So the bill passed.

On motion,

The House adjourned.

FRIDAY, JANUARY 19, 1855.

The House met pursuant to adjournment.

Absent—Messrs. Coffinbery, Starkweather, and St. Clair.

The journal was read.

Mr. Ladd asked leave to record his vote in the affirmative on H. B. 61.

Granted.

Mr. Ladd, from the committee on commerce, to which was referred petitions numerously signed, for the repeal of the Sunday law, reported adverse to the prayer of the petitioners, and presented a bill—

H. B. 79. To prevent Sabbath breaking.

Read a first time.

Mr. Logan from the committee to which was referred the petition of James B. Stephens, reported adverse to petitioner.

Mr. Gillespie offered the following resolution (H. R. 27):

Resolved, That the Council be, and hereby is respectfully requested to return to this House H. B. 61.

Lost.

Messrs. Henry and St. Clair asked leave to change their vote from the affirmative to the negative on H. B. 61.

Mr. Hembree, on leave, presented a bill—

H. B. 80. For the relief of Gideon Gravelle.

Read a first time.

H. B. 56. To amend an act entitled "An act relating to common schools and school lands,"

Was read a second time.

Mr. Starkweather moved to amend the 1st section, 6th line, by striking out the word "not."

Adopted.

Mr. Logan moved to fill the blank in 6th line, 1st section, with the word "two."

Adopted.

On motion of Mr. Henry,

The bill was referred to committee on education.

H. B. 58. To amend an act relating to assessors, &c.,

Was read a second time.

Mr. Geer moved to amend by adding, after the word "taxes," in 5th line, "*Provided*, such debts are due citizens of this Territory."

Lost.

Mr. Starkweather moved to substitute the word "fourth" for the word "last," in the first line of the fifth section.

Lost.

Mr. Geer moved to add an additional section:

"That the assessor shall receive for compensation for his services the sum of three dollars per day for each day necessarily employed in the discharge of his duties."

Mr. Dunn moved to amend the amendment by striking out "$3" and inserting "$4."

Accepted.

Mr. Crandall moved to further amend the amendment by adding the following:

"*Provided*, that this section shall not apply to any county south of the Calapooia mountains."

Accepted.

Mr. Coffinbery moved to further amend by inserting the following:

"*Provided*, that this shall not be so construed as to alter the fees of assessors in Clatsop county."

Accepted, and the amendment was lost.

Mr. St. Clair moved to add the following additional section:

"Sec. 6. *And be it further enacted*, That so much of the 8th section of an act to which this is an amendment as requires the assessors to make a plat of the government survey, and note each claimant thereon, is hereby repealed."

Lost.

Mr. Gillespie moved to add to section one the following:

"And that property owned or possessed on the 1st day of July by the taxpayers, shall be assessed irrespective of the amount owned or possessed before or after that date, for the same year."

Lost.

Mr. Holmes moved to strike out the 5th section entire.

Lost.

On motion of Mr. Lovejoy,

The bill was considered engrossed, and ordered to be read a third time to-morrow.

On motion,

The House adjourned.

AFTERNOON SESSION.

C. B. 10. For the relief of Wm. J. Herren,

Was read a third time and passed.

C. B. 4. A bill to regulate the fees of certain officers and others,

Was read a third time and passed.

H. B. 37. To re-locate the Territorial University,

Was read a third time, and

The question being—"Shall the bill pass?"

The yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Coffinbery, Condon, Dunn, Drew, Hembree, Henry, Hinton, Holmes, Logan, Lovejoy, McIntire, St. Clair, Tanner and Walker—15.

Nays—Messrs. Butler, Brown, Crandall, Elkins, Ford, Gazley, Geer, Gillespie, Humason, Ladd, Patterson, Smith, and Mr. Speaker—13.

So the bill passed.

C. J. R. 7. Relative to this Legislative Assembly drafting a State constitution to be submitted to the people at the next general election.

Mr. Henry moved that the resolution be laid on the table.

Upon which question the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Condon, Crandall, Dunn, Hembree, Henry, Humason, Hinton, Logan, McIntire, St. Clair, Tanner, and Walker—12.

Nays—Messrs. Belknap, Butler, Brown, Coffinbery, Drew, Elkins, Ford, Gazley, Geer, Gillespie, Holmes, Ladd, Lovejoy, Patterson, Smith, and Speaker—16.

So the motion was lost.

Mr. Henry offered the following amendment:

Strike out all after the word "Resolved," and insert the following:

"That the committee on the judiciary be instructed to report to this House, at the earliest practicable period, a bill providing for submitting the question of "Convention," or "No convention," to the people at the next general election; and also providing that in the event of the people deciding in favor of a convention, for an election of delegates on the first Monday of September next; which convention shall assemble at the seat of government on the first Monday of February following; and providing, also, that the constitution adopted by the convention shall be submitted to the people at the next annual election, for their acceptance or rejection."

The question being on the adoption of the amendment,

The yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Condon, Drew, Henry, Logan, McIntire, St. Clair, Tanner, and Walker—8.

Nays—Messrs. Belknap, Butler, Brown, Coffinbery, Crandall, Dunn, Elkins, Ford, Gazley, Geer, Gillespie, Hembree, Humason, Hinton, Holmes, Ladd, Lovejoy, Patterson, and Speaker—19.

So the amendment was lost.

Mr. Smith moved that the House adjourn.

Lost.

Mr. Humason moved the indefinite postponement of the resolution.

Upon which motion the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Crandall, Dunn, Ford, Gillespie, Hembree, Humason, Hinton, Tanner, and Walker—9.

Nays—Messrs. Belknap, Butler, Brown, Coffinbery, Condon, Drew, Elkins, Gazley, Geer, Henry, Holmes, Ladd, Logan, Lovejoy, McIntire, Patterson, Smith, St. Clair, and Speaker—19.

So the motion was lost.

The question then being—"Shall the resolution pass?"

The yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Butler, Brown, Coffinbery, Elkins,

Gazley, Geer, Holmes, Ladd, Lovejoy, Patterson, Smith, and Mr. Speaker—12.

Nays—Messrs. Condon, Crandall, Dunn, Drew, Ford, Gillespie, Hembree, Henry, Humason, Hinton, Logan, McIntire, St. Clair, Tanner, and Walker—15.

So C. J. R. 7 was lost.

On motion,

The House adjourned.

SATURDAY, JANUARY 20, 1855.

House met pursuant to adjournment.

Absent—Messrs. Drew and Starkweather.

The journal was read.

Mr. Belknap presented a memorial from Wm. M. King for relief.

Laid on the table, and ordered to be printed.

Mr. Butler, from the committee on enrolled bills, reported C. B. Nos. 6 and 16 truly enrolled.

Mr. Coffinbery, from the committee to which was referred the petition of Samuel T. McKean for relief, reported adverse to the prayer of the petitioner.

Mr. Coffinbery offered a joint resolution—

H. J. R. 18. Asking an appropriation from Congress for the erection of a marine hospital at Astoria.

Adopted.

Mr. Dunn offered a joint resolution—

H. J. R. 19. Asking Congress for an additional appropriation for the purpose of completing the military road from Myrtle creek to Jacksonville.

Adopted.

Mr. Humason offered a memorial—

H. M. 6. Relative to survey of lands east of the Cascade mountains.

Adopted.

H. B. 62. To amend the "Act creating a school district in Oregon City,"

Was read a second time, and

On motion of Mr. Lovejoy,

The rules were suspended, and the bill considered engrossed, and read a third time and passed.

H. B. 64. To authorize the school superintendent of Clackamas county to loan the school fund of said county,

Was read a second time, and,

On motion of Mr. Henry,

Referred to committee on education.

H. B. 59. To change the name of the town of Salem,
Was read a second time.
Mr. Geer moved the bill be indefinitely postponed.
Upon which motion the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Butler, Brown, Crandall, Dunn, Elkins, Ford, Gazley, Geer, Gillespie, Hembree, Henry, Holmes, Ladd, Lovejoy, Patterson, Smith, St. Clair, and Walker—19.

Nays—Messrs. Coffinbery, Condon, Drew, Humason, Logan, McIntire, Tanner, and Speaker—8.

So the bill was indefinitely postponed.
H. B. 67. To create and organize the county of Willamette,
Was read a second time.
Mr. Humason offered the following amendments:

1st. Strke out, in 3d and 4th line, the words "where," and "crosses said river," and insert after the word "river," in 3d line, "at a section line three miles south of."

Lost.

2d. "Sec. 3. The county of Willamette shall be entitled to elect one member to the House of Representatives, and the county of Marion shall be entitled to elect two members to the House of Representatives; and the counties of Marion and Willamette shall constitute one Council district."

Adopted.
Mr. Crandall moved the indefinite postponement of the bill.
Upon which question the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Butler, Brown, Coffinbery, Crandall, Dunn, Elkins, Gazley, Gillespie, Hembree, Hinton, Holmes, Patterson and Smith—14.

Nays—Messrs. Condon, Drew, Ford, Geer, Henry, Humason, Ladd, Logan, Lovejoy, McIntire, St. Clair, Tanner, Walker, and Speaker—14.

So the motion to indefinitely postpone was lost.
Mr. Logan moved that the bill be engrossed and read a third time in its order.
Upon which motion the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Butler, Brown, Coffinbery, Condon, Dunn, Drew,

Henry, Humason, Ladd, Logan, Lovejoy, McIntire, St. Clair, Tanner, and Walker—15.

Nays—Messrs. Belknap, Crandall, Elkins, Ford, Gazley, Geer, Gillespie, Hembree, Hinton, Holmes, Patterson, Smith, and Speaker—13.

So the motion was adopted.

Mr. Lovejoy, on leave, presented a bill—

H. B. 81. To provide for the improvement and navigation of the Willamette river from Champoeg to Corvallis.

Read a first time.

Mr. Logan moved a reconsideration of the vote on C. J. R. 7.

Adopted.

The resolution being informally passed over,

Mr. Hembree offered the following resolution (H. R. 28):

Resolved, That when this House adjourns, it adjourn until Monday.

Lost.

On motion,

The House adjourned.

AFTERNOON SESSION.

The question pending being the adoption of C. J. R. 7,

Mr. Logan moved to amend as follows: Strike out all after the word "possible," and insert "for the consideration of this Legislature."

The question being upon the adoption of the amendment,

The yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Belknap, Butler, Brown, Coffinbery, Condon, Elkins, Gazley, Holmes, Ladd, Logan, Lovejoy, Patterson, Tanner, Walker, and Speaker—15.

Nays—Messrs. Crandall, Dunn, Ford, Geer, Gillespie, Hembree, Humason, and Smith—8.

So the amendment was adopted.

The question then being—"Shall the resolution pass?"

The yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Butler, Brown, Coffinbery, Condon, Elkins, Ford, Gazley, Holmes, Ladd, Logan, Lovejoy, Patterson, Walker and Speaker—15.

Nays.—Messrs. Crandall, Dunn, Geer, Gillespie, Hembree, Humason, Smith, and Tanner—8.

So the resolution passed.

Mr. Dunn presented a petition numerously signed, from citizens of Jackson county, praying for a prohibitory liquor law.

Also, a petition from Hannah Anderson and 39 others, ladies of Jackson county, on the same subject.

Mr. Logan moved that the petitions be referred to the committee on commerce.

Lost.

On motion of Mr. Smith,

Laid on the table.

Mr. Ford presented a petition from John Randolph and 18 others, citizens of Marion county, praying for the passage of a law to more effectually guard against annoyance from studs and jacks.

On motion of Mr. Ford,

Referred to a select committee.

Messrs. Ford, Geer, and Crandall were appointed said committee.

H. B. 63. For defining the boundary of Yamhill county,

Was read a second time, and,

On motion of Mr. Belknap,

Referred to a select committee.

Messrs. Belknap, Holmes, and Henry, were appointed said committee.

H. B. 60. To amend an act relating to holding the supreme and district courts,

Was read a second time, and

Referred to judiciary committee.

H. B. 57. Providing for the sale of school lands, and for creating a territorial superintendent, and a board of commissioners for managing the irreducible school fund,

Was read a second time, and

Referred to a select committee.

Messrs. Henry, Elkins, and Holmes, were appointed said committee.

H. B. 58. To amend an act relating to assessors, &c.,

Was read a third time and passed.

On motion of Mr. Logan,

H. B. 50. To charter Columbia College,

Was taken up and passed.

Message from the Council, by Mr. Genois, their clerk:

Mr. Speaker: I am directed by the President to inform you that the Council has passed the accompanying—

H. J. R. 15. Requiring the board of commissioners elected to superintend the erection of public buildings at the seat of government to report forthwith, and furnish immediately to this Assembly all vouchers received by them from John P. Gaines, late Governor

of this Territory, in relation to the expenditures on such public buildings, and depositions of witnesses in relation to the same;

And it is herewith transmitted to the House for enrollment.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am directed by the President to inform you that the Council has passed—

C. J. R. 10. Instructing our delegate relative to an appropriation by Congress for a geological reconnoissance of the Territory;

And the House is requested to concur.

C. J. R. 10 was adopted.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am instructed by the President to inform you that the Council has passed the accompanying—

C. B. 17. A bill to amend an act relative to roads and ferries;

And it is herewith transmitted to the House for concurrence.

C. B. 17 was read a first time.

On motion of Mr. Logan,

Read a second time, and

Referred to committee of the whole.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am instructed by the President to inform you that the Council has passed—

H. B. 45. Directing the Territorial Auditor to audit certain accounts;

Also, H. J. R. 17. Relative to appointing a committee to investigate, examine and inquire into all contracts relative to the present state of the public building;

And Messrs. Peebles, Cleaveland, and Phelps, are appointed a committee on the part of the Council, to act with a like committee on the part of the House.

Also, that Messrs. Richardson and Fulkerson are appointed a committee on part of the Council, to act with the committee on part of the House relative to the amendments 1st and 2d made by the Council to H. B. 12.

Messrs. Smith, Henry and Dunn, were appointed a committee on the part of the House, as required by H. J. R. 17.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am directed by the President to inform you that the Council has passed—

H. B. 32. For the survey of a territorial road from Grand Ronde, in Polk county, to Tillamook Bay,

With the accompanying amendments; and the House is requested to concur therein.

The House concurred in amendments to H. B. 32.

Message from the Council, by Mr. Genois, their clerk:

Mr. Speaker: I am directed by the President to inform you that the Council refuses to concur in 1st, 2d, 3d, 4th, 5th, 6th, 7th 9th, 10th, 11th, and 12th House amendments to C. B. 4, and the House is requested to recede; but concur in 8th and 13th amendments to said bill.

The House receded from amendments 1, 2, 3, 4, 5, 6, 7, 10, 11, and 12, but refused to recede from 9th amendment.

Message from the Council, by Mr. Genois, their clerk:

Mr. Speaker: I am directed by the President to inform you that the Council has passed—

H. B. 40. To locate a territorial road from Green Valley, Umpqua county, to Willis Jenkins', in Douglas county, and

H. B. 49. For the relief of George Cline, ex-sheriff of Linn county;

And they are herewith returned to the House in which they originated.

Also, that the accompanying acts have been truly enrolled, viz:

An act to provide for the levying and collecting taxes in Jackson county, and

An act to authorize the sale of property on execution, &c.;

And they are herewith transmitted for your signature.

Also, that he has signed H. J. R. Nos. 2, 3, 4, 5, 6, 7, 9, 13, and 14, and H. M. Nos. 1, 2, and 3; and they are herewith transmitted to the House in which they originated.

Also, C. B. 19. A bill to provide for the publishing and distributing the road and school laws;

And the concurrence of the House is requested.

Message from the Council, by Mr. Genois, their clerk:

Mr. Speaker: I am directed by the President to inform you that the Council concurs with the House in its amendment to C. J. R. 7, and Messrs. Peebles, Phelps, and Cleaveland, are appointed a committee on the part of the Council.

Messrs. Smith, Logan, Henry, Lovejoy, Dunn, and Patterson, were appointed as the committee on the part of the House.

Mr. Smith asked to be excused from serving on the committee.

The House refused to excuse.

H. B. 65. To indemnify the city of Portland,

Was read a first time.

H. B. 82. To provide for the printing and distribution of certain laws in pamplet form,

Was read a first time.

C. B. 19. To provide for the printing and distributing the road and school laws,

Was read a first time.

The Speaker announced that he had signed C. B. 9, and H. B. Nos. 11, 13, 1, 8, 15, 7, 6, 18, and 3.

On motion,

The House adjourned.

MONDAY, JANUARY 22, 1855.

The House met pursuant to adjournment.

Absent—Messrs. McIntire and Starkweather.

The journal was read.

Mr. Smith presented a petition from Milton Hale, praying for relief.

Laid on the table.

Mr. Smith presented the petition of Elisha Griffith and 71 others, praying for an act to open public roads, &c.

Referred to committee on roads and highways.

Mr. Lovejoy, from the committee on the judiciary, reported back:

H. B. 60. To amend an act relating to holding the supreme and district courts,

With amendments.

Mr. Elkins, from the select committe to which was referred

H. B. 23. A bill to locate a territorial road from Sublimity, in Marion county, to Pleasant Hill, in Lane county,

Together with Council amendment to the same, reported them back, with the following amendment:

Strike out, in 1st section, 1st line of Council amendment, the name of "S. Davidson," and insert the name of "L. W. Phelps."

Adopted.

On motion,

The House concurred in Council amendment to H. B. 23.

Mr. Patterson, on leave, presented a bill—

H. B. 83. To amend the re-apportionment bill, passed January 31st, 1854.

Read a first time.

Mr. Ladd, on leave, presented a bill—

H. B. 84. To elect delegates to frame a State constitution.

Read a first time.

Mr. Smith moved the rules be suspended, and the bill be read a second time now.

Lost.

H. J. R. 16. Relative to our mail arrangements,

Was taken up.

Mr. Humason moved to amend by striking out "delegate in Congress," and inserting "postal agent."

Lost.

The question then being—"Shall the resolution pass?"

The yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Butler, Condon, Dunn, Drew, Elkins, Gazley, Hembree, Henry, Logan, Patterson, St. Clair, and Tanner—12.

Nays—Messrs. Belknap, Brown, Coffinbery, Geer, Gillespie, Humason, Hinton, Holmes, Ladd, Lovejoy, Smith, Walker and Speaker—13.

So the resolution was lost.

Mr. Lovejoy moved to reconsider the vote by which the House refused to excuse Mr. Smith as one of the committee to frame a State constitution.

Adopted.

Mr. Smith was excused.

Mr. Patterson offered the following resolution (H. R. 29):

Resolved, That hereafter this House meet at 9 o'clock in the morning, and at 1 1-2 in the afternoon.

On motion,

The House adjourned.

AFTERNOON SESSION.

H. R. 29 being under consideration at the time of adjournment, was taken up, and the question being—"Shall the resolution pass?"

It was decided in the negative.

Mr. Crandall offered the following joint resolution (H. J. R. 20):

Be it resolved by the House, the Council concurring, That this Legislative Assembly will adjourn *sine die* on Thursday, February 1st, 1855.

Adopted.

H. B. 65. For an act to indemnify the city of Portland, &c.,

Was read a second time, and

Referred to the committee on claims.

H. B. 73. For the erection of a monumental stone to be placed at the head of the grave of the late Hon. S. R. Thurston,

Was read a second time, and

Referred to a select committee of three.

Messrs. Humason, Elkins, and Lovejoy, were appointed said committee.

H. B. 68. Relative to executions,

Was read a second time.

Mr. Patterson moved to amend section 6, line 2, by striking out the word "things," and insert the word "property."

Adopted.

Mr. Coffinbery moved to refer the bill to the committee on the judiciary.

Lost.

Mr. Condon moved the bill be indefinitely postponed.

Lost.

Mr. Humason moved that the bill be referred to a select committee.

Lost.

Mr. Logan moved to amend as follows:

Strike out articles 1, 2, 3, 4, 5, and 6, of section 1, and insert "There shall be allowed to each person of the age of twenty-one years in this Territory the sum of one thousand dollars: *provided*, if a person is the head of a family, or a widow, or widower, the sum of fifteen hundred dollars, in money or property, the choice of which to be left to the person entitled to the exemption; the value to be determined as prescribed by law."

Adopted.

Mr. Lovejoy moved that the bill be engrossed, and read a third time to-morrow.

Adopted.

H. B. 71. Regulating licenses of pedlers,

Was read a second time.

Mr. Ladd moved to amend by striking out the words "justices of the peace," wherever they occur.

Lost.

On motion of Mr. Humason,

The bill was laid on the table.

Mr. Dunn, on leave, presented a bill—

H. B. 85. To change the name of Gold river.

Read a first time.

On motion of Mr. Ladd,

the rules were suspended, and the bill read a second time.

On motion of Mr. Dunn,

The rules were further suspended, and the bill read a third time and passed.

H. B. 69. To locate a territorial road from the southern boundary line of the Territory of Oregon, to intersect the military road near the residence of Geo. H. Ambrose, in Jackson county.

Was read a second time.

On motion of Mr. Dunn,

The rules were suspended, and the bill considered engrossed, and read a third time and passed.

H. B. 66. To establish a territorial poor house,

Was read a second time.

On motion of Mr. Geer,

The bill was indefinitely postponed.

H. B. 60. To amend "An act to provide for holding the supreme and district courts,"

Was read a third time and passed.

H. B. 35. To locate a territorial road from John Cochran's, in Lane county, to Jacksonville, in Jackson county,

Was read for information.

On motion,

The bill was ordered to be engrossed, and read a third time to-morrow.

H. B. 33. To extend the time of keeping open the polls at elections, so as to conform to the new system of *viva voce* voting,

Was read a third time, and

The question being—"Shall the bill pass?"

The yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Condon, Drew, Logan, McIntire, St. Clair, Tanner, and Walker—7.

Nays—Messrs. Belknap, Butler, Brown, Coffinbery, Crandall, Dunn, Elkins, Ford, Geer, Gillespie, Hembree, Henry, Humason, Hinton, Holmes, Ladd, Lovejoy, Patterson, and Smith—19.

So the bill was lost.

H. B. 72. To create and regulate the office of prosecuting attorney,

Was taken up, and referred to a select committee.

Messrs. Drew, Ladd, and Condon, were appointed said committee.

Mr. Henry, from the committee on education, to which was referred H. B. Nos. 46 and 47, reported the same back, without amendment, and recommended their passage.

Also, H. B. 64, with the following amendment, and recommended its passage:

Strike out all after the enacting clause, in the first section, and insert the following:

"That the school superintendents of the different counties are hereby empowered to loan the moneys belonging to the districts in their respective counties, whenever the directors of any school district in their county shall express a desire to have such money loaned."

Also, H. B. 56, without amendment, and without any expression of opinion upon its merits.

On motion,

The House adjourned.

TUESDAY, JANUARY 23, 1855.

The House met pursuant to adjournment.

Absent—Messrs. Gazley, McIntire and Starkweather.

The journal was read.

Mr. Brown presented a petition from A. A. McCulley and 120 others, citizens of Lane and Linn counties, praying for a new county.

Also, a remonstrance from Wm. T. Templeton and 10 others, citizens of Linn county, against the erection of the proposed new county.

Referred to a select committee.

Messrs. Patterson, Brown, and Dunn, were appointed said committee.

Mr. Condon presented a petition from the surveyors and viewers of a territorial road from Ranier to Hillsborough, praying for relief.

On motion of Mr. Condon,

Referred to a select committee.

Messrs. Condon, Belknap, and Coffinbery, were appointed said committee.

Mr. Henry presented a petition from David Newsom and Hansom Stephens, citizens of Marion county, praying the reduction of the fees of county officers.

Laid on the table.

Mr. Butler, from the committee on enrolled bills, reported C. B. Nos. 12 and 10, C. J. R. 7, H. J. R. Nos. 17 and 15, and H. B. Nos. 49, 40, 45, and 32, truly enrolled.

H. B. 64. To authorize the school superintendent of Clackamas county to loan the school fund of said county.

The amendment proposed by the committee on education was taken up and adopted.

On motion of Mr. Henry,

H. B. Nos. 64, 46, and 56, were recommitted to the committee on education.

H. J. R. 6, with Council amendments to the same, was taken up.

The question being upon concurring with the Council in 1st amendment (to strike out the 5th resolution),

The yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Butler, Condon, Drew, Ford, Henry, Holmes, Ladd, Logan, McIntire, Patterson, St. Clair, and Tanner—12.

Nays—Messrs. Belknap, Brown, Coffinbery, Crandall, Dunn, Elkins, Geer, Gillespie, Hembree, Humason, Hinton, Lovejoy, Smith, Walker, and Speaker—15.

So the House refused to concur.

H. J. R. 6 was passed over informally.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am directed by the President to inform you that the Council has passed—

C. B. 21. A bill to locate the county-seat of Umpqua county; And the concurrence of the House is requested.

C. B. 21 was read a first time.
On motion of Mr. Ladd,
The rules were suspended, and the bill read a second time.
On motion of Mr. Ladd,
The bill was referred to a select committee.
Messrs. Ladd, Dunn, and Gazley, were appointed said committee.
Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am instructed by the President to inform you that he has signed the accompanying bills—

H. B. 18. An act to legalize the marriage between Peter Smith and Sarah Smith;

H. B. 15. An act to locate a territorial road from Salem to Eugene City;

H. B. 13. An act to legalize the marriage between John C. Cary and Sarah Cary;

H. B. 11. An act to enlarge the powers of the clerks of the supreme and district courts;

H. B. 8. An act to dispose of the jail fund of Clackamas county;

H. B. 7. An act to locate a territorial road from Salem, in Marion county, to Philip Foster's, in Clackamas county;

H. B. 6. An act to establish the *viva voce* for the ballot mode of voting;

H. B. 3. An act to create the office of county surveyor; and

H. B. 1. An act to re-locate a portion of the territorial road from Salem, in Marion county, to Oregon City, in Clackamas county;

And they are herewith transmitted to the House in which they originated.

Also, that the Council insist upon their disagreement to House amendment No. 9 to C. B. 4, and that Messrs. Richardson and Peebles are appointed a committee of conference.

Messrs Logan and Lovejoy, were apointed said committee on part of the House.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am instructed by the President to inform you that the Council has passed the accompanying resolutions and memorial—

H. J. R. 18. Asking an appropriation from Congress for the erection of a marine hospital at Astoria;

H. J. R. 19. Asking Congress for an additional appropriation

for the purpose of completing the military road from Myrtle creek to Jacksonville;

H. M. 5. Relative to surveying the public lands east of the Cascade mountains;

And they are herewith transmitted to the House in which they orignated, for enrollment.

Message from the Council, by Mr. Genois, their clerk:

Mr. Speaker: I am instructed by the President to inform you that the Council has passed—

H. B. B. 70. To change the name of Takenah,

With an amendment; and it is herewith transmitted to the House in which it originated, for concurrence.

The question being on concurring with the Council in their amendment to H. B. 70,

The yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Ladd, Logan, and St. Clair—3.

Nays—Messrs. Belknap, Butler, Brown, Coffinbery, Condon, Crandall, Dunn, Drew, Elkins, Ford, Geer, Gillespie, Hembree, Henry, Humason, Hinton, Holmes, Lovejoy, Patterson Smith, Tanner, Walker, and Speaker—23.

So the House refused to concur.

Message from the Council, by Mr. Genois, their clerk:

Mr. Speaker: I am instructed by the President to inform you that

C. J. R. 10. Relative to a State constitution;

An act for the relief of Wm. J. Herren; and

An act to view the practicability of a territorial road from Smith's river, in Umpqua county, to the Willamette Valley,

Have been reported truly enrolled, and they are herewith transmitted for your signature.

Message from the Council, by Mr. Genois, their clerk:

Mr. Speaker: I am instructed by the President to inform you that the Council has passed H. B. 5, with accompanying amendment, and the House is requested to concur.

Message from the Council, by Mr. Genois, their clerk:

Mr. Speaker: I am instructed by the President to inform you that the Council refuses to recede in the 6th amendment to

H. B. 44. Relating to exempting firemen from road tax;

And ask for a committee of conference.

Messrs. Logan and Lovejoy were appointed said committee on part of the House.

The Speaker announced that he had signed C. B. Nos. 16 and 6, H. B. Nos. 4, 48, 38, 10, 43, and H. J. R. 12.

H. B. 5. To amend an act entitled "An act in relation to common schools and school lands,"

Was referred to committee on education.

Mr. Henry, from the committee on claims, to which was referred

H. B. 65. To indemnify the city of Portland,

Reported the same back, and asked for information.

Mr. Lovejoy presented a bill—

H. B. 86. To incorporate Oregon City,

Read a first time.

On motion of Mr. Logan,

The House resolved itself into committee of the whole,

Mr. Smith in the chair—

And took up H. B. Nos. 65 and 54, and C. B. 14; and after some time spent therein, the committee rose, and reported back H. B. 65, with amendment; also, H. B. 54, without amendment; also, reported progress on C. B. 14, and asked leave to sit again.

Granted.

On motion,

The House adjourned.

AFTERNOON SESSION.

Message from the Council, by Mr. Genois, their clerk:

Mr. Speaker: I am directed by the President to inform you that the Council has passed—

H. B. 37. To re-locate the Territorial University;

And it is herewith transmitted to the House for enrollment.

H. B. 65. For an act to indemnify the city of Portland, &c.,

Was taken up.

The following amendment, as reported by the committee of the whole, was read:

Amend by striking out "one thousand," and insert "six hundred," wherever it may occur in the bill.

Adopted.

Ordered engrossed.

H. B. 54. To amend an act entitled "An act regulating the granting of licenses to sell spirituous liquors,"

Was taken up.

Mr. Humason offered the following amendment:

"Sec. 2. That the 5th section, to which this is an amendment, shall be, and is hereby repealed."

Lost.

Mr. Ladd moved that the bill be considered engrossed, and the rules suspended, and read a third time now.

Disagreed to.

Mr. Smith moved the indefinite postponement of the bill.

Upon which motion the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Butler, Brown, Condon, Crandall, Dunn, Gillespie, Henry, Holmes, Logan, McIntire, Smith, St. Clair, and Tanner—14.

Nays—Messrs. Coffinbery, Drew, Geer, Hembree, Humason, Hinton, Ladd, Lovejoy, Patterson, Walker, and Speaker—11.

So the bill was indefinitely postponed.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am directed by the President to inform you that the Council refuses to concur in House amendment to the substitute made by the Council to

H. B. 23. A bill to locate a territorial road from Sublimity, in Marion county, to Pleasant Hill, in Lane county;

And it is herewith returned.

Also, that the Council has passed—

C. J. R. 9. Relative to town sites;

And it is herewith transmitted to the House for concurrence.

On motion of Mr. Gillespie,

The House receded from their amendment to H. B. 23.

C. J. R. 9 was adopted.

The Speaker gave notice that he had signed C. B. Nos. 12 and 10, and C. J. R. 10.

H. J. R. 6 was taken up.

Mr. Humason moved that the House concur with the Council in their 2d amendment.

Mr. Logan moved that the resolution be indefinitely postponed.

Upon which motion the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Condon, Drew, Henry, Logan, McIntire, Patterson, St. Clair, and Tanner—8.

Nays—Messrs. Belknap, Butler, Brown, Coffinbery, Crandall, Dunn, Elkins, Ford, Geer, Gillespie, Hembree, Humason, Hinton, Lovejoy, Smith, Walker, and Speaker—17.

So the motion was lost.

Mr. Patterson moved that the resolutions be laid on the table.

Upon which motion the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Condon, Drew, Henry, Logan, Patterson, St. Clair, and Tanner—7.

Nays—Messrs. Belknap, Butler, Brown, Coffinbery, Crandall, Dunn, Elkins, Ford, Geer, Gillespie, Hembree, Humason, Hinton, Ladd, Lovejoy, McIntire, Smith, Walker and Speaker—19.

So the motion was lost.

The question then being on concurring in Council amendment, The yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Condon, Drew, Henry, and St. Clair—4.

Nays—Messrs. Belknap, Butler, Brown, Coffinbery, Crandall, Dunn, Elkins, Ford, Geer, Gillespie, Hembree, Humason, Hinton, Ladd, Logan, Lovejoy, McIntire, Patterson, Smith, Tanner, Walker, and Speaker—23.

So the House refused to concur.

On motion,

The House resolved itself into committee of the whole, Mr. Smith in the chair—

And took up C. B. Nos. 14, 13, 11, 17, and H. B. 42; and after some time spent therein, the committee rose, and reported back C. B. 14, with sundry amendments; also, C. B. 13, 11, and 17, together with H. B. 42, without amendment.

Mr. Lovejoy moved that C. B. Nos. 17, 11, and 13, and H. B. 42, be referred to the committee on roads and highways.

Adopted.

C. B. 14, and the amendments thereto, were then taken up.

Mr. Smith moved the amendments be adopted.

Mr. Hembree moved the indefinite postponement of the bill.

Upon which motion the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Dunn, Drew, Hembree, Humason, Hinton, Ladd, Lovejoy, McIntire, Patterson, Walker, and Speaker—11.

Nays—Messrs. Belknap, Butler, Brown, Coffinbery, Condon, Crandall, Elkins, Ford, Geer, Gillespie, Henry, Holmes, Logan, Smith, St. Clair, and Tanner—16.

So the motion was lost.

The amendments were then read.

1st. Insert, in the 2d section, after the last word, "*Provided*, this act shall not apply to the counties of Umpqua, Jackson, Coos, and Clatsop."

Mr. Dunn moved to amend the amendment by exempting Douglas county.

Lost.

The question then was upon the adoption of the 1st amendment.

Lost.

2d. Insert, between the words "the" and "ward," in 7th line, 1st section, the words "city, town, or."

Adopted.

3d. Insert, between the words "precinct, or," in 3d line, 2d section, "city or town."

Adopted.

4th. Add to 3d section, last line, the words "of the voters of said precinct, city, town, or ward."

Adopted.

5th. "Sec. —. If the notice shall be given as provided herein, license shall be granted in case no remonstrance is presented at the time appointed for applying for said license."

Adopted.

On motion of Mr. Logan,

The bill was ordered to be read a third time in its order.

Mr. Smith presented a bill—

H. B. 87. To amend an act entitled "An act to organize the militia."

Read a first time.

Mr. Lovejoy moved that the bill be rejected.

Upon which motion the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Brown, Coffinbery, Condon, Crandall, Dunn, Drew, Gillespie, Hinton, Holmes, Lovejoy, Patterson, St. Clair, Tanner, and Walker—14.

Nays—Messrs. Belknap, Butler, Elkins, Ford, Geer, Hembree, Henry, Humason, Ladd, McIntire and Smith—11.

So the bill was rejected.

Mr. Ladd presented a bill—

H. B. 88. To locate a territorial road.

Read a first time.

On motion of Mr. Humason,

The rules were suspended, and the bill read a second time.

On motion of Mr. Ladd,

The rules were further suspended, the bill considered engrossed, and read a third time and passed.

Mr. Gillespie presented a bill—

H. B. 89. To provide for private roads.

Read a first time.

Mr. Belknap, from the select committee to which was referred H. B. 63, reported back a substitute for the same.

Laid on the table.

Mr. Belknap presented a bill—

H. B. 90. For the relief of Washington county.

Read a first time.

On motion,

The House adjourned.

WEDNESDAY, JANUARY 24, 1855.

The House met pursuant to adjournment.

Absent—Messrs. Condon and Starkweather.

The journal was read.

Mr. Ford presented a petition from G. B. Gray and others, citizens of Clackamas county, praying for a prohibitory liquor law.

Laid on the table.

Mr. Crandall, from the committee on engrossed bills, reported H. B. Nos. 35, 65, 67, and 68, truly engrossed.

Mr. Butler, from the committee on enrolled bills, reported H. B. 37, H. M. 5, H. J. R. Nos. 18 and 12, truly enrolled.

Mr. Ladd, from the select committee to which was referred C. B. 21, reported the same back with sundry amendments.

Mr. Ladd presented a bill—

H. B. 91. To take the sense of the voters in a part of Douglas county for or against annexation to the county of Umpqua.

Read a first time.

Mr. Ladd moved that the bill be referred to a select committee.

Lost.

Mr. Logan moved the rules be suspended, and the bill be read a second time now.

Lost.

Mr. Butler presented a bill—

H. B. 92. For the relief of John Force, H. M. Waller, and R. C. Geer, late commissioners for the erection of public buildings.

Read a first time.

Mr. Ladd presented

H. J. R. 21. Relative to establishing the proposed Register and Receiver's office south of the Calapooia mountains, in Umpqua county.

Adopted.

Mr. Henry, from the committee on education, to which was referrred H. B. 56, reported the same back, and recommended that it do not pass.

Also, H. B. 46, with amendment.

H. B. 80. For the relief of Gideon Gravelle,

Was read a second time.

On motion of Mr. Hembree,

Referred to the committee on claims.

H. B. 74. To authorize the county commissioners of Tillamook county to levy a road tax,

Was read a second time.

On motion,

The bill was ordered to be engrossed, and read a third time in its order.

H. B. 75. Providing for taking the sense of the people of Linn county relative to the removal of the county seat of said county,

Was read a second time.

Mr. Smith moved that the rules be suspended, and the bill read a third time now.

Adopted.

The question being—"Shall the bill pass?"

It was decided in the affirmative.

H. B. 76. To provide for the refunding of certain moneys into the territorial treasury.

Was read a second time.

On motion of Mr. Crandall,

The bill was referred to a select committee.

Messrs. Crandall, Lovejoy, and Smith, were appointed said committee.

H. B. 79. To prevent Sabbath breaking,

Was read a second time.

Mr. Crandall moved to amend as follows:

Insert the following as an additional section:

"Sec. 4. This act shall not be construed so as to affect any person or persons who religiously observe the seventh day of the week, commonly called Saturday; and all the privileges and exemptions granted under any statute now in force in this Territory to persons observing Sunday, are hereby granted to those who religiously observe any other day than Sunday."

Mr. Coffinbery moved the indefinite postponement of the bill.

On motion,

The House adjourned.

AFTERNOON SESSION.

On motion of Mr. Humason,

A call of the House was had.

The following members were absent: Messrs. Belknap, Butler, Brown, Coffinbery, Crandall, Dunn, Elkins, Ford, Gazley, Geer, Gillespie, Hembree, Hinton, Holmes, Lovejoy, Patterson, Smith, Starkweather, and Walker.

The sergeant-at-arms was dispatched for the absentees.

Mr. Condon moved that all further proceedings under the call be dispensed with.

Adopted.

Mr. Humason offered the following resolution (H. R. 30):

Resolved, That the Council be informed that the House is now convened, pursuant to a joint resolution adopted by both Houses, for the purpose of electing territorial officers, and that the members of the Council be invited to take seats in the hall of the House.

Adopted.

The President and members of the Council were announced and conducted to the seats provided for them.

On motion of Mr. Crandall,

The House proceeded to the election of Territorial Auditor, *viva voce*.

Mr. Lovejoy nominated James A. Bennett.

Mr. Henry nominated B. R. Biddle.

The whole number of votes cast were 37, of which number,

James A. Bennett received	26
B. R. Biddle received	10
Blank,	1

Whereupon James A. Bennett was declared duly elected.

The Convention next proceeded to the election of Territorial Treasurer.

Mr. Lovejoy nominated Nat. H. Lane.

Mr. Logan nominated J. B. Wyatt.

The whole number of votes were 37, of which number,

Nat. H. Lane received	27
J. B. Wyatt received	10

Whereupon N. H. Lane was declared duly elected.

The Convention next proceeded to the election of Territorial Librarian.

Mr. Crandall nominated Milton Shannon.

Mr. Logan nominated J. R. Cardwell.

The whole number of votes were 37, of which number,

Milton Shannon received	26
J. R. Cardwell received	10
Blank,	1

Whereupon Milton Shannon was declared duly elected.

On motion of Mr. Lovejoy,

The Convention dissolved, and the members of the Council returned to their hall.

The question pending being the indefinite postponement of H. B. 79. To prevent Sabbath breaking,

The yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Butler, Brown, Coffinbery, Dunn, Gazley, Geer, Gillespie, Hembree, Humason, Hinton, Patterson, Tanner, Walker, and Speaker—14.

Nays—Messrs. Belknap, Condon, Crandall, Ford, Henry, Holmes, Ladd, Logan, Lovejoy, McIntire, and Smith—11.

So the bill was indefinitely postponed.

On motion,

The House adjourned.

THURSDAY, JANUARY, 25, 1855.

House met pursuant to adjournment.

Absent—Mr. Starkweather.

The journal was read.

Mr. Belknap presented a petition from J. B. Stephens, of Multnomah county, praying for the repeal of the law abolishing his exclusive ferry charter.

Laid on the table.

Mr. Belknap, on leave, presented a bill—

H. B. 93. To repeal an act entitled "An act to repeal the exclusive ferry privilege conferred on James B. Stephens."

Read a first time.

Mr. Belknap, on leave, presented a bill—

H. B. 94. To amend "An act making provision for the construction of a territorial Penitentiary."

Read a first time.

Mr. Patterson presented the petition of Floyd T. Vaughn and others, citizens of Lane county, for a territorial road.

Laid on the table.

Mr. Holmes, from the committee on claims, to which was referred the petition of J. Elder and others, for relief, reported by bill—

H. B. 95. For the relief of J. Elder and others herein named.

Read a first time.

Mr. Henry, from the committee on education, to which was referred H. B. 57, reported the same back, and recommended its passage.

Mr. Drew, from the select committee to which was referred H. B. 72, reported the same back, with sundry amendments.

Mr. Crandall presented a bill—

H. B. 96. Fixing the compensation of the Territorial Librarian.

Read a first time.

Mr. Ford presented a bill—

H. B. 97. To locate a territorial road from Takenah, in Linn county, to Drift creek, in Marion county.

Read a first time.

H. B. 82. To provide for the printing and distribution of certain laws in pamplet form,

Was read a second time.

Mr. Crandall moved the rules be suspended, the bill considered engrossed, and read a third now.

Lost.

Laid on the table.

C. B. 19. To provide for the publishing and distributing of the road and school laws,

Was read a second time.

Laid on the table.

H. B. 92. For the relief of Force, Waller, and Geer, late commissioners to erect public buildings,

Was read a second time.

Referred to committee on claims.

H. M. 6. For a military road from the Upper Willamette to the Des Shutes Valley, on the east side of the Cascade mountains.

Passed.

H. B. 81. To provide for the improvement and navigation of the Willamette river from Champoeg to Corvallis,

Was read a second time.

Mr. Logan moved to amend by striking out the 8th section.

Adopted.

Mr. Lovejoy moved the idefinite postponement of the bill.

Upon which motion the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Butler, Brown, Coffinbery, Condon, Dunn, Drew, Gazley, Gillespie, Henry, Humason, Hinton, Holmes, Logan, Lovejoy, McIntire, Patterson, Smith, St. Clair, Tanner, and Walker—20.

Nays—Messrs. Belknap, Elkins, Ford, Geer, Hembree, Ladd, and Speaker—7.

So the bill was indefinitely postponed.

H. B. 47. Supplemental to the "Act creating the office of commissioner to control, protect, and sell the public lands donated by Congress," &c.

Laid on the table.

H. B. 78. Providing for the purchase in trust of lands in the city of Portland, for a town site, and regulating the sale thereof.

Laid on the table.

H. B. 51. Relative to common schools and school lands.

Mr. Henry moved it be engrossed, and read a third time to morrow.

Mr. Elkins moved it be indefinitely postponed.
Lost.
Mr. Logan moved to amend as follows: Strike out "$3," and insert "$10."
Adopted.
Mr. Holmes moved the bill be laid on the table.
Adopted.
On motion,
The House adjourned.

AFTERNOON SESSION.

Mr. Hembree presented a communication from Asahel Bush, Esq., relative to the laws, &c., supposed to be damaged or lost on board the steamer Southerner.
Referred to the committee on printing.
Mr. Condon offered the following joint resolution:
H. J. R. 22. Asking Congress for an appropriation for the improvement of the navigation of the Willamette river.
Passed over informally.
H. B. 68. Relative to executions,
Was read a third time.
The question then being—"Shall the bill pass?"
The yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Belknap, Coffinbery, Dunn, Drew, Elkins, Gazley, Gillespie, Henry, Logan, Lovejoy, McIntire, Patterson, Smith, and Speaker—14.

Nays—Messrs. Butler, Brown, Condon, Crandall, Geer, Hembree, Humason, Hinton, Holmes, Ladd, St. Clair, Tanner, and Walker—13.

So the bill passed.
H. B. 65. To indemnify the city of Portland,
Was read a third time.
The question being—"Shall the bill pass?"
Decided in the affirmative.
Mr. Logan moved to amend the title so as to read as follows:

"An act to indemnify the city of Portland for property destroyed whilst in the possession of the officers of the Territory of Oregon."

Adopted.
H. B. 35. To locate a territorial road from John Cochran's, in Lane county, to Winchester, in Douglas county,
Was read a third time and passed.
C. B. 14. To amend an act granting licenses to sell spirituous liquors,
Was read a third time.

The question being—"Shall the bill pass?"
The yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Butler, Brown, Coffinbery, Condon, Elkins, Geer, Gillespie, Henry, Holmes, Logan, Smith, St. Clair, and Tanner—14.

Nays—Messrs. Crandall, Dunn, Drew, Gazley, Hembree, Humason, Hinton, Ladd, Lovejoy, McIntire, Patterson, and Speaker—12.

So the bill passed.
H. B. 67. To create and organize Willamette county,
Was read a third time.
Mr. Crandall moved the indefinite postponement of the bill.
Mr. Henry moved a call of the House.
Absent—Messrs. Ford and Ladd.
On motion of Mr. Holmes,
All further proceedings under the call were dispensed with.
The question then being on the indefinite postponement of the bill,
The yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Butler, Brown, Crandall, Dunn, Drew, Elkins, Gazley, Geer, Gillespie, Hembree, Hinton, Holmes, McIntire, Patterson, Smith, Walker, and Speaker—18.

Nays—Messrs. Coffinbery, Condon, Henry, Humason, Logan, Lovejoy, St. Clair, and Tanner—8.

So the bill was indefinitely postponed.
H. B. 72. To create and regulate the office of prosecuting attorney,
Was taken up.
Mr. Drew's amendments were read:

Amend sections 3 and 4 so as to read, "Section 6," and "Section 7."

Amend section 4 so as to read, "from and after its passage."

Insert, "Section 3. And said attorney may prosecute any suit of a criminal nature, and for a non-compliance with the revenue laws of this Territory, before any justice of the peace of said county, in all cases where justices of the peace have competent jurisdiction, and shall be entitled to the same fees, and payable in the same manner, as is provided in the act to which this is an amendment, for similar services.

"Sec. 4. If the prosecuting attorney of said county be unable to attend to the duties of his office, from sickness or absence, or the office become vacant from death, resignation, or otherwise, the county auditor of said county shall appoint some suitable person to discharge the duties of the office during such inability or vacancy, as the case

may be, subject, however, to the approval of the board of county commissioners, at their next meeting.

"Sec. 5. The person thus appointed shall possess the same powers, and receive the same compensation, as the proper officer would, if personally present."

Mr. Logan moved a reconsideration of the vote by which H. B. 72 was ordered to its third reading.

On motion,

The amendments were adopted.

On motion,

The bill was ordered to be engrossed, and read a third time in its order.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am instructed by the President to inform you that the Council has passed—

H. B. 9. To change the names of Alice Manning and Julia Gertrude Manning;

And it is herewith transmitted to the House in which it originated, for enrollment.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am directed by the President to inform you that the Council has passed—

H. B. 85. To change the name of Gold river;

And it is herewith transmitted to the House for enrollment.

Also, H. B. 50. A bill to charter Columbia College;

Which is likewise transmitted for enrollment.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am directed by the President to inform you that the Council concurs with the House in the adoption of

H. J. R. 21. Relative to establishing a Register and Receiver's office in Umpqua county;

And it is herewith transmitted to the House for enrollment.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am directed by the President to inform you that the Council has passed—

H. B. 69. A bill to locate a territorial road from the southern boundary line of the Territory of Oregon, to intersect the military road near the residence of George H. Ambrose, in Jackson county;

And it is herewith transmitted for enrollment.

Also, that the Council refuses to recede from their amendment to

H. B. 70. Relative to changing the name of the town of Takenah, in Linn county;

And it is herewith transmitted to the House in which it originated.

Also, that the Council refuses to recede from their amendments to C. J. R. 6; and it is herewith returned.

Mr. Smith moved that the House recede from their refusal to concur in Council amendment to H. B. 70.

Upon which motion the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Butler, Brown, Crandall, Ford, Gazley, Geer, Gillespie, Humason, Ladd, Smith, St. Clair, and Speaker—12.

Nays—Messrs. Belknap, Coffinbery, Condon, Dunn, Drew, Elkins, Hembree, Henry, Hinton, Holmes, Logan, Lovejoy, McIntire, Patterson, Tanner, and Walker—16.

So the House refused to recede.

On motion of Mr. Smith,

A committee of conference was appointed on part of the House.

Messrs. Smith and Logan were appointed said committee.

Mr. Smith moved that the House recede from their refusal to concur with the Council in their 1st amendment to H. J. R. 6.

Upon which motion the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Butler, Drew, Elkins, Gazley, Geer, Holmes, Ladd, McIntire, Smith, St. Clair, Walker, and Speaker—13.

Nays—Messrs. Brown, Coffinbery, Condon, Crandall, Dunn, Ford, Gillespie, Hembree, Henry, Humason, Hinton, Logan, Lovejoy, Patterson, and Tanner—15.

So the House refused to recede.

Mr. Smith moved to reconsider the last vote.

Upon which motion the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Butler, Brown, Crandall, Dunn, Drew, Elkins, Ford, Gazley, Geer, Hembree, Henry, Humason, Holmes, Ladd, McIntire, Smith, St. Clair, Tanner, Walker and Speaker—21.

Nays—Messrs. Coffinbery, Condon, Gillespie, Hinton, Logan, Lovejoy, and Patterson—7.

So the motion to reconsider was adopted.

Mr. Holmes moved that the House recede from their refusal to concur in Council 1st amendment.

Upon which motion the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Butler, Brown, Crandall, Drew, Elkins,

Ford, Gazley, Geer, Hembree, Holmes, Ladd, Lovejoy, McIntire, Smith, St. Clair, Walker, and Speaker—18.

Nays—Messrs. Coffinbery, Condon, Dunn, Gillespie, Henry, Humason, Hinton, Logan, Patterson, and Tanner—10.

So the House receded.

Mr. Lovejoy moved that the House recede from their refusal to concur in Council 2d amendment to H. J. R. 6.

Mr. Logan moved that the resolutions and accompanying amendments be laid on the table.

Upon which motion the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Coffinbery, Condon, Gillespie, Henry, Logan, McIntire, Patterson, St. Clair, and Tanner—9.

Nays—Messrs. Belknap, Butler, Brown, Crandall, Dunn, Drew, Elkins, Ford, Gazley, Geer, Hembree, Humason, Hinton, Holmes, Ladd, Lovejoy, Smith, Walker, and Speaker—19.

So the motion was lost.

The question then was upon receding from their refusal to concur.

Upon which motion the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Butler, Brown, Crandall, Drew, Elkins, Ford, Gazley, Holmes, Hembree, Lovejoy, Smith, Walker, and Speaker—14.

Nays—Messrs. Coffinbery, Condon, Dunn, Geer, Gillespie, Henry, Humason, Hinton, Ladd, Logan, McIntire, Patterson, St. Clair, and Tanner—14.

So the House refused to recede.

On motion of Mr. Crandall,

A committee of conference was appointed on part of the House.

Messrs. Crandall and Smith, were appointed said committee.

H. J. R. 22 was taken up, and,

On motion of Mr. Gillespie,

The bill was referred to a select committee.

Messrs. Gillespie, Condon, and Humason, were appointed said committee.

Mr. Dunn offered the following resolution (H. R. 30):

Resolved by the House, That the use of this hall be tendered Dr. Henry, on next Saturday evening, for the purpose of replying to remarks recently made in a temperance meeting; and the sergeant-at-arms is required to invite Gen. Ward to be present on that occasion.

The question being upon the adoption of the resolution,
The yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Belknap, Butler, Brown, Coffinbery, Crandall, Dunn, Elkins, Gazley, Geer, Hembree, Humason, Hinton, Holmes, Ladd, Logan, Lovejoy, McIntire, Patterson, Smith, Walker, and Speaker—21.

Nays—Messrs. Condon, Drew, Ford, Gillespie, St. Clair, and Tanner—6.

So the resolution was adopted.

Mr. Lovejoy, from the select committee to which was referred several petiitons relative to the Snake Indian massacre, reported a memorial—

H. M. 8. Asking Congress to establish military posts on the route to Oregon.

Ordered to be printed.

Mr. Smith offered the following resolutions (H. R. 31):

Resolved, That when this House adjourns, it will adjourn to meet at six o'clock, P. M., for the purpose of holding an evening session.

Resolved, That the attorney or attorneys of the city of Portland, in the case of the town site of said city, also Messrs Coffin and Chapman, claiming as town proprietors, shall be admitted within the bar of the House during the time of the evening session provided for in the foregoing resolution, for the purpose of explaining to this body the respective claims of the city of Portland, and of the aforesaid claimants.

Mr. Walker offered a joint resolution—

H. J. R. 23. Asking Congres to remunerate the officers and men of company *A* and others of the 9th regiment of Oregon militia, called into service in August, 1854, to suppress Indian difficulties in Southern Oregon.

Adopted.

On motion,

The House adjourned.

EVENING SESSION.

H. B. 78. Providing for the purchase in trust of lands in the city of Portland, for a town site, and regulating the sale thereof,

Was read a third time.

On motion of Mr. Smith,

Messrs. Chapman, Campbell, Farrar, and Coffin were admitted within the bar.

On motion of Mr. Smith,

The House resolved itself into committee of the whole,
Mr. Humason in the chair—
And after some time spent therein, the committee rose, and
On motion,
The House adjourned.

FRIDAY, JANUARY 26, 1855.

House met pursuant to adjournment.
Absent—Messrs. Smith and Starkweather.
The journal was read.

Mr. Lovejoy, from the judiciary committee, to which was referred H. B. 34. Making account books competent evidence,
Reported the same back without amendment, and recommended it do not pass.

Mr. Hembree, from the committee on printing, to which was referred the memorial of Asahel Bush, Territorial Printer, reported by a joint resolution.

Mr. Henry, from the committee on education, to which was referred H. B. 5, with Council amendments, reported the same back, and recommended that the House concur.

Mr. Butler, from the committee on enrolled bills, reported H. B. Nos. 9, 69, 23, 57, and H. J. R. 21, truly enrolled.

Mr. Crandall, from the committee on engrossed bills, reported H. B. 72 truly engrossed.

Mr. Holmes, from the committee on claims, to which was referred H. B. 80. For the relief of Gideon Gravelle,
Reported the same back without amendment.

Mr. Gillespie, from the select committee to which was referred H. J. R. 22, reported the same back, with the following amendments:

Strike out "Corvallis," and all after it in first section of preamble, and insert "Eugene City."
Strike out "Corvallis," in the resolution, and insert "Eugene City."

Mr. Logan moved to amend the amendment as follows:

Strike out "Corvallis, in first preamble, and also in resolution, and insert in both places "for the improvement of the Willamette river so far as the same is navigable."

The question being upon the adoption of the amendment to the amendment,

The yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Butler, Coffinbery, Condon, Crandall, Drew, Henry, Holmes, Ladd, Logan, Lovejoy, McIntire, St. Clair, Tanner, and Speaker—14.

Nays—Messrs. Brown, Dunn, Elkins, Ford, Gazley, Geer, Gillespie, Humason, Patterson, and Walker—10.

So the amendment to the amendment was lost.

On motion of Mr. Logan,

Referred to a select committee.

Messrs. Logan, Lovejoy, and Gillespie, were appointed said committee.

Mr. Humason reported back H. B. 78 from committee of the whole, without amendment.

Mr. Crandall, from the select committee to which was referred H. B. 76, reported the same back, without amendment.

Mr. Humason, from the select committee to which was referred H. B. 73, reported the same back, with sundry amendments.

H. B. 83. To amend the re-apportionment bill,

Was read a second time.

Mr. Holmes moved the indefinite postponement of the bill.

On motion of Mr. Ladd,

The bill was laid on the table.

H. B. 89. To provide for private roads,

Was read a second time.

Mr. Geer moved it be considered engrossed, and read a third time now.

Mr. Condon offered the following amendment:

Strike out all after "roads," in 3d line, section 3.

Adopted.

Mr. Logan offered the following amendment:

Strike out sections 1, 2, and 3, and insert—

"That title 2 of 'An act relating to roads and ferries,' passed January, 27, 1854, be amended so as to read, after the word 'road,' in 2d line, section 18, title 2, of said act, 'to timber, to mill, or other necessary purposes;' also, amend same section, same title, same act, between the words 'which such,' in 3d line from last in said section, the words, 'or along the exterior lines of which.'"

The question being upon the adoption of the amendment,

The yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Condon, Dunn, Drew, Elkins, Ford, Geer, Gillespie, Henry, Humason, Hinton, Ladd, Logan, McIntire, St. Clair, Tanner, and Walker—16.

Nays—Messrs. Butler, Brown, Crandall, Lovejoy and Speaker—5.

So the amendment was adopted.

Mr. Drew moved the indefinite postponement of the bill.

Mr. Lovejoy moved a call of the House.

Absent—Messrs. Belknap, Coffinbery, Gazley, Hembree, Smith, and Starkweather.

On motion of Mr. Geer,

All further proceedings under the call were dispensed with.

The question then being on the indefinite postponement of the bill,

The yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Butler, Coffinbery, Condon, Crandall, Drew, Gazley, Geer, Ladd, Logan, Lovejoy, Tanner, Walker, and Speaker—13.

Nays—Messrs. Brown, Dunn, Elkins, Ford, Gillespie, Henry, Humason, Hinton, Holmes, McIntire, Patterson, and St. Clair—12.

So the bill was indefinitely postponed.

Mr. Henry moved that the House take up the report of the commissioners to superintend the erection of the Territorial University.

Lost.

H. B. 91. To take the sense of the voters in a part of Douglas county for or against annexation to the county of Umpqua,

Was read a second time.

Mr. Gazley moved the indefinite postponement of the bill.

Upon which motion the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Butler, Brown, Condon, Crandall, Elkins, Ford, Gazley, Gillespie, Henry, Lovejoy, Patterson, St. Clair, Walker, and Speaker—14.

Nays—Messrs. Coffinbery, Dunn, Drew Geer, Humason, Hinton, Holmes, Ladd, Logan, McIntire, and Tanner—11.

So the bill was indefinitely postponed.

On motion,

The House adjourned.

AFTERNOON SESSION.

Mr. Logan offered the following resolution (H. R. 32):

Resolved, That the gentleman from Polk, (Mr. Holmes,) have leave to transmit one copy of his resolutions to the President of the

United States, one to the Vice President, and one to each branch of Congress, and one to our Delegate in Congress.

Lost.

H. B. 84. To elect delegates to form a State constitution,

Was read a second time.

Mr. Lovejoy moved the bill be indefinitely postponed.

Mr. Ladd moved the bill be laid on the table.

Upon which motion the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Butler, Brown, Condon, Dunn, Drew, Gazley, Gillespie, Hembree, Ladd, Logan, McIntire, Patterson, Starkweather, St. Clair, and Tanner—15.

Nays—Messrs. Elkins, Hinton, Lovejoy, Walker, and Speaker—5.

So the bill was laid on the table.

Mr. Logan, from the committee of conference to adjust the difference between the House and Council relative to House amendment 9, to C. B. 4, announced that the committee had agreed to report in favor of House amendment.

Adopted.

Mr. Lovejoy, from the judiciary committee, to which was referred H. B. 4, reported the same back without amendment, and recommended that it do not pass.

H. B., 21. To locate the county seat of Umpqua county—

The amendments reported from the select committee were read, as follows:

1st, insert in section 2, 3d line, after the word "act"—"or as soon thereafter as practicable."

Adopted.

2d, insert a new section between sections 3 and 4.—That a removal of the county seat within three years shall entitle said James Levens to have of the county the amount of funds raised out of said tract for court-house and jail, and to the unsold lots in said tract.

Adopted.

Strike out all after the word "To" in the 6th line and 4th section, and insert, "any county purposes the said commissioners deem proper for said county."

Adopted.

On motion,

Ordered to be read a third time to morrow.

Mr. Henry, from committee on education, to which was referred H. B. 56,

Report the same back and recommend its rejection.

Also, H. B. 46, with amendment,

"Strike out the 2d section and insert the following:

"Sec. 2. That the school superintendents of the different counties

are hereby empowered to loan the monies belonging to the different school districts of their respective counties whenever the directors of any school district in their county shall express a desire to have such money loaned."

On motion of Mr. Lovejoy,
It was ordered engrossed and read a third time in its order.
H. B. 41. To create the office of public administrator,
Was taken up,
On motion of Mr. Lovejoy, the bill was indefinitely postponed.
H. B. 5. Relating to common schools and school lands, &c.,
Was taken up.
On motion of Mr. Gillespie,
The House concurred with the Council in their amendment to said bill.
H. B. 72. To create and regulate the office of prosecuting attorney,
Was read a third time and passed.
H. B. 34. Making account-books competent evidence.
On motion of Mr. Lovejoy,
The bill was indefinitely postponed.
H. J. R. 24. Relative to the supposed loss of the Oregon statutes, &c.
On motion of Mr. Smith,
The rules were suspended, and read a 2d time.
On motion of Mr. Smith,
The rules were further suspended, and the resolution considered engrossed, read a third time and passed.
H. B. 80. For the relief of Gideon Gravelle.
Mr. Logan moved the indefinite postponement of the bill.
Lost.
Mr. Patterson moved the bill be laid on the table.
Lost.
Mr. Hembree moved rules be suspended, the bill be considered engrossed, and read 3d time now.
Lost.
On motion of Mr. Brown,
The bill was considered engrossed and ordered read a 3d time in its order.
Message from the Council, by Mr. Genois, their clerk:

Mr. Speaker: I am instructed by the President to inform you that the Council concur in House amendments to
C. B. 14. A bill to amend an act relative to the granting of license.
The Council has passed—
C. J. R. 11. Relative to discharging the joint committee to draft a State constitution;
And the concurrence of the House is requested.
C. J. R. 11 was adopted.

Mr. Smith, on leave, presented a bill—
H. B. 98. Relative to works of internal improvement.
Read a first time.
On motion of Mr. Lovejoy,
The rules were suspended, and the bill was read a second time.
On motion,
The bill was laid on the table and ordered to be printed.
Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am instructed by the President to inform you that the Council has passed—
H. B. 58. A bill relating to assessors, &c.,
With sundry amendments; and they are herewith transmitted for concurrence.
Also, that the Council has adopted the report of the conference committee, to which was referred
C. B. 4. Relating to fees of certain officers.

The House concurred in Council amendments to H. B. 58.
Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am instructed by the President to inform you that he has signed the following:
C. B. 6. An act to provide for the levying and collecting taxes in Jackson county;
C. B. 10. An act for the relief of Wm. J. Herren;
C. B. 12. An act to view the practicability of a territorial road from Smith's river, in Umpqua county, to the Willamette Valley;
C. B. 16. An act to authorize the sale of property, &c.; and
C. J. R. 10. Relative to a State constitution.
Also, H. B. Nos. 4, 10, 38, 43, 48, and H. J. R. 12; and they are herewith returned.
Also, that the Council has passed—
H. B. 88. A bill to locate a territorial road;
C. B. 20. A bill to levy a road tax in Tillamook county;
C. B. 28. A bill requiring commissioners to procure titles to lands on which the public buildings may be erected; and
C. B. 30. A bill to locate a territorial road from Portland to Lafayette;
And they are herewith transmitted to the House for concurrence.
Also, H. B. 60. A bill to amend an act to provide for holding the supreme and district courts,
With sundry amendments; and the House is requested to concur.
Also, that the President has appointed Messrs. Phelps and Fulkerson a committee of conference, to act with House committee relative to H. B. 70.
Also, that he has appointed Messrs Peebles and Fulkerson a committee of conference, to act with the committee on part of the House relative to Council amendment No 2 to H. J. R. 6.

Also that the Council concurs with the House in the adoption of H. J. R. 23. Relative to the remuneration of company *A* and others of the 9th regiment of Oregon militia.

Also, H. M. 7. Praying for an appropriation for a military road from Eugene City to the pass on the Des Shutes river, east of the Cascade mountains;

And they are herewith transmitted for enrollment.

On motion of Mr. Lovejoy,

The House concurred in Council amendment to H. B. 60.

On motion of Mr. Smith,

H. B. 84. To elect delegates to frame a State constitution,

Was taken up.

Mr. Crandall moved the bill be indefinitely postponed.

Upon which motion the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Butler, Coffinbery, Dunn, Elkins, Ford, Gazley, Gillespie, Hembree, Hinton, Logan, Lovejoy, Starkweather, St. Clair, Tanner, Walker, and Speaker—16.

Nays—Messrs. Belknap, Brown, Condon, Drew, Geer, Henry, Humason, Ladd, Patterson, and Smith,—10.

So the bill was indefinitely postponed.

Mr. Drew, on leave, presented a bill—

H. B. 99. To incorporate the Table Rock Water Company Jackson county.

Read a first time.

On motion of Mr. Dunn,

The rules were suspended and the bill read a second time.

On motion of Mr. Humason,

The bill was laid on the table.

C. B. 30. To locate a territorial road from Portland to Lafayette,

Was read a first time.

C. B. 28. Requiring commissioners for the erection of public buildings to procure titles to lands on which such buildings may be erected,

Was read a first time.

On motion of Mr. Lovejoy,

The rules were suspended and the bill read a second time, and,

On motion of same,

The rules were further suspended, and the bill read a third time and passed.

C. B. 20. To levy a road tax in Tillamook county,

Was read a first time.

On motion of Mr. Butler,

The rules were suspended, and the bill was read a second time.

On motion of Mr. Smith,

The rules were further suspended, and the bill was read a third time and passed.

Mr. Humason, from the select committee to which was referred H. B. 73. For the erection of a monument over the remains of the late Hon. Samuel R. Thurston,

Reported the same back, with the following amendments:

1st. Strike out the 2d and 3d articles of the preamble.

2d. In section 1st, after the word "appropriated," insert, "out of any moneys in the territorial treasury not otherwise appropriated."

3d. Strike out 3d and 5th sections.

The amendments were adopted, the bill ordered to be engrossed and read a third time to-morrow.

H. B. 76. To provide for the refunding of certain moneys into the territorial treasury.

On motion of Mr. Lovejoy,

The rules were suspended, the bill considered engrossed, and read a third time and passed.

H. B. 78. Providing for the purchase in trust of lands in the city of Portland for a town site, and regulating the sale thereof.

On motion of Mr. Lovejoy,

The bill was referred to a select committee.

Messrs. Lovejoy, Smith, and Logan were appointed said committee.

Mr. Drew presented a bill—

H. B. 100. To locate a territorial road from the southern boundary line of Oregon to Jacksonville.

Read a first time.

On motion of Mr. Dunn,

The rules were suspended, and the bill read a second time.

On motion of Mr. Logan,

The bill was considered engrossed and ordered to be read a third time in its order.

Mr. Walker presented a bill—

H. B. 101. To locate a territorial road from Jacksonville to Lost River.

Read a first time.

Mr. Dunn moved the rules be suspended, and the bill read a second time now.

Lost.

Mr. Patterson, from the committee on conference, announced that the joint committee agreed to concur in Council amendments to H. B. 12.

Adopted.

Mr. Condon, on leave, presented a bill—

H. B. 102. To exempt vacant lots in the towns and cities in this Territory.

Rejected.

The Speaker gave notice that he had signed H. B. Nos. 40, 45, 49, 32, 37, H. J. R. 15, 17, 18, 12, 19, and H. M. 5.

Mr. Crandall presented a resolution.

Ruled out of order.

Mr. Geer, from the committee on roads and highways, to which was referred H. B. 42, reported the same back, with the following amendments:

1st. Amend section 2 as follows: "*Provided further*, That it shall not be necessary to survey any county road, unless the county commissioners shall so order."

2d. "Sec. —. That no board of county commissioners within any county in this Territory shall have power to vacate or change the location of any territorial road to a greater distance than one-half mile from its location, and that only where it may be necessary to avoid payment of damages, and intersect the original location on the nearest and best ground."

3d. "That whenever any territorial or county road shall have been located according to the provisions of the act to which this is an amendment, and any part of such road within any road district shall have been opened and worked by the supervisor of any road district, under the provisions of law, such portion of said road as lies unopened or unwrought within the limits of said road district as aforesaid, shall not be liable to be vacated in less than four years from the time of its location.

"Sec. —. That whenever any road shall have been located as aforesaid, and no part thereof shall have been opened and worked as aforesaid within three years from the time of its location, such road shall be considered vacated; and whenever the entire portion of any such road situated or lying within any road district shall remain unopened, unwrought, and untraveled, for the term of three years from its location, such portion shall be considered vacated."

4th. "Sec. —. Every supervisor of roads shall receive for each day necessarily employed in the performance of any of the duties required by this act, or the act to which this is an amendment, over and above the number of days' work required by law to be performed by such supervisor, the sum of two dollars, to be paid out of the county treasury, on the order of the board of commissioners, after being sanctioned by them, and after the report of the doings of said supervisor shall have been received, approved and settled by the board of commissioners."

5th. "Sec. —. The viewers appointed in accordance with the provisions of the 18th section of the act to which this is an amendment, to view and locate a private road, shall have power to determine, in all cases, whether or not gates shall be placed at proper points on said road, and assess damages in accordance with that determination."

On motion,

The bill was ordered to be engrossed and read in its order.

Mr. Patterson presented the petition of Robert J. Alexander, praying for a divorce.

On motion of Mr. Patterson,

Referred to a select committee.

Messrs. Patterson, Drew, and Logan, were appointed said committee.

On motion,

The House adjourned.

SATURDAY, JANUARY 27, 1855.

House met pursuant to adjournment.

Absent—Messrs. Holmes and Ladd.

The journal was read.

Mr. Lovejoy, from the committee on the judiciary, to which was referred

H. B. 26. Relating to county prisons and their regulations,

Reported the same back without amendment, and recommended its passage.

Adopted.

Mr. Butler, from the committee on enrolled bills, reported C. J. R. 9 and H. B. 50 truly enrolled.

Mr. Crandall, from the committee on engrossed bills, reported H. B. Nos. 73 and 46 truly engrossed.

Mr. Lovejoy, from the committee on the judiciary, to which was referred

H. B. 20. To repeal certain sections therein named,

Reported the same back, and recommended that the bill do not pass.

Mr. Smith, from the joint committee on conference on H. B. 70, recommended that the House concur with the Council in their amendment to said bill.

Adopted.

Mr. Logan, from the select committee on H. J. R. 22, reported the same back, with the following amendments:

1st. Amend the 1st preamble by striking out "Corvallis," and all after it, in 1st preamble, and insert, "and the point that may be found to be the head of steam navigation."

2d. Strike out "Corvallis," aforesaid, in the resolution, and insert, "and the point that may be found to be the head of steamboat navigation on said Willamette river."

Adopted.

On motion of Mr. Lovejoy,

Ordered engrossed.

Mr. Elkins, from the joint committee relative to the massacre by the Snake Indians upon last year's immigration, reported adversely to the raising of troops by the Governor.

[See Appendix.]

Mr. Logan, from the same committee, reported in favor, and presented a bill and joint resolution—

H. B. 103. A bill authorizing the enlistment of five companies of volunteers for the purpose of chastising the Snake Indians.

Also a joint resolution relative to the appointment of a joint committee to issue an address to the people of this Territory on the subject.

On motion,

The House adjourned.

AFTERNOON SESSION.

The reports of the joint committee relative to the Snake Indian massacre being pending at the time of adjournment,

Mr. Elkins presented a joint resolution—

H. J. R. 25. Requesting the Governor to correspond with Gen. Wool and Col. Bonneville, relative to the number of available troops to be sent out against the Snake Indians, &c.,

Which was intended to accompany his report from the joint committee.

The question being upon adopting the report and resolution presented by Mr. Elkins,

The yeas and nays were demanded, and resulted as follows:

Yeas — Messrs. Belknap, Butler, Brown, Coffinbery, Crandall, Dunn, Elkins, Gazley, Geer, Gillespie, Humason, Hinton, Ladd, Lovejoy, Smith, Starkweather, and Speaker—17.

Nays — Messrs. Condon, Drew, Hembree, Henry, Logan, McIntire, Patterson, St. Clair, Tanner, and Walker—10.

So the report was adopted.

Mr. Hembree presented a bill relative to a State constitution.

The Chair ruled the bill out of order.

Mr. Hembree moved to appeal from the decision of the Chair.

Mr. Lovejoy moved that the motion to appeal be laid on the table.

Upon which motion the yeas and nays were demanded, and resulted as follows:

Yeas — Messrs. Belknap, Butler, Brown, Coffinbery, Crandall, Dunn, Drew, Elkins, Gazley, Geer, Gillespie, Henry, Hinton, Lovejoy, Starkweather, St. Clair, and Tanner—17.

Nays—Messrs. Condon, Hembree, Humason, Logan, Patterson, Smith, Walker, and Speaker—8.

So the decision of the Chair was sustained.

Mr. Hembree presented a petition from Joaquin Young, claiming to be the heir of Ewing Young, late a resident of Oregon Territory.

Referred to a select committee.

Messrs. Hembree, Lovejoy, and Smith, were appointed said committee.

Mr. Smith, from the joint select committee to which was referred the claims against the commissioners for material furnished and labor done in the erection of the State House, reported by resolution—

H. J. R. 26. Relative to an appropriation.

Read a first time.

Mr. Smith presented the report of the State House commissioners.

Laid on the table.

[See Appendix.]

Mr. Smith, on leave, presented a bill—

H. B. 103. To incorporate religious societies.

Read a first time.

On motion of Mr. Smith,

The rules were suspended, and the bill read a second time.

On motion of Mr. Smith,

The rules were further suspended, and the bill read a third time and passed.

H. B. 104. To incorporate Ranier Seminary,

Read a first time.

Mr. Lovejoy's Memorial No 7. To establish military posts,

Was read and adopted.

H. B. 99. To incorporate the Table Rock Water Company,

Was taken up and read a second time.

On motion,

The rules were suspended, the bill considered engrossed, and read third time and passed.

On motion,

The House adjourned.

MONDAY, JANUARY 29, 1855.

The House met pursuant to adjournment.

Absent—Messrs. Brown, Crandall, Ford, Holmes, and Tanner.

The journal was read.

Mr. Logan presented a petition from Benjamin Stark and 60 other citizens of Washington and Multnomah counties, praying for a charter to erect a bridge across the Tualitin river.

Referred to a select committee.

Messrs. Logan, Belknap, and Lovejoy, were appointed said committee.

Mr. Smith presented the petition of Wm. Graham and 40 others, citizens of Linn and Benton counties, praying for a ferry privilege across the Willamette river at Albany.

Laid on the table.

Mr. Lovejoy, from the select committee to which was referred H. B. 78, with an amendment (substitute).

Adopted.

On motion,

Ordered engrossed, and read a third time in its order.

Mr. Lovejoy, from the committee to which was referred the petition of Joaquin Young, reported the same back by bill—

H. B. 105. For the relief of Joaquin Young.

Read a first time.

On motion of Mr. Humason,

The rules were suspended, and the bill read a second time.

On motion of Mr. Logan,

Referred to judiciary committee.

Mr. Butler, from the committee on enrolled bills, reported H. B. Nos. 88, 12, 5, 58, and 60, together with H. M. 7 and H. J. R. 23, truly enrolled.

Mr. Crandall, from the committee on engrossed bills, reported H. B. 42 truly engrossed.

Mr. Lovejoy presented a bill—

H. B. 106. To supply vacancies in certain offices in the counties of Washington, Multnomah, and Clackamas.

Read a first time.

Mr. Butler presented a bill—

H. B. 107. For relief of Wm. Purvine, Hiram Smith, and hands necessarily employed by them.

Read a first time.

Mr. Lovejoy presented a bill—

H. B. 108. To define and establish the southern boundary of Clackamas county.

Read a first time.

On motion,

The rules were suspended, and the bill read a second time.

On motion of Mr. Starkweather,

The rules were further suspended, and the bill considered engrossed, read a third time and passed.

Mr. Patterson moved to take up H. B. 83 (Reapportionment bill),

Upon which motion the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Brown, Condon, Crandall, Elkins, Ford, Gazley, Gillespie, Ladd, Patterson, and Starkweather—10.

Nays—Messrs. Belknap, Butler, Coffinbery, Dunn, Drew, Hembree, Henry, Humason, Hinton, Holmes, Logan, Lovejoy, McIntire, St. Clair, Tanner, Walker, and Speaker—17.

So the motion was lost.

Mr. Crandall, on leave, presented a resolution (H. R. 33):

Resolved, That we believe the apportionment of Representatives from the several counties ought to be, and can only be justly and fairly equal by being based upon the poll of votes in the Territory; therefore, a committee of three shall be appointed, whose duty it shall be to report on to-morrow morning a general apportionment bill.

Mr. Ladd moved to amend by striking out all after the word "*Resolved*" to the word "a," in the sixth line.

Mr. Logan moved that the resolution and amendment lay on the table.

Upon which motion the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Butler, Condon, Dunn, Drew, Hembree, Henry, Hinton, Holmes, Logan, Lovejoy, McIntire, Starkweather, St. Clair, Tanner, Walker, and Speaker—17.

Nays—Messrs. Brown, Coffinbery, Crandall, Elkins, Ford, Gazley, Geer, Gillespie, Humason, Ladd, Patterson, and Smith—12.

So the resolution and amendment were laid on the table.

H. B. 90. For the relief of Washington county,

Was read a second time.

On motion of Mr. Humason,

The bill was laid on the table.

H. B. 73. To repeal an act entitled "An act to repeal the exclusive ferry privilege conferred on James B. Stephens."

Mr. Logan moved the indefinite postponement of the bill.

Upon which motion the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Condon, Crandall, Drew, Elkins, Hembree, Henry, Ladd, Logan, Lovejoy, Starkweather, St. Clair, Walker, and Speaker—13.

Nays—Messrs. Belknap, Butler, Brown, Coffinbery, Dunn, Ford, Gazley, Geer, Gillespie, Humason, Hinton, Holmes, Patterson, Smith, and Tanner—15.

So the motion was lost.

On motion of Mr. Smith,

The rules were suspended, the bill considered engrossed, and read a third time.

The question being—"Shall the bill pass?"

The yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Belknap, Brown, Coffinbery, Dunn, Gazley, Gillespie, Hinton, Smith, and Tanner—9.

Nays—Messrs. Butler, Condon, Crandall, Drew, Elkins, Ford, Geer, Hembree, Henry, Humason, Holmes, Ladd, Logan, Lovejoy, Patterson, Starkweather, St. Clair, Walker, and Speaker—19.

So the bill was lost.

H. B. 101. To locate a territorial road from Jacksonville to Lost river,

Was read a second time.

On motion of Mr. Dunn,

The bill was considered engrossed, and ordered to be read a third time in its order.

H. B. 97. To locate a territorial road from Takenah, Linn county, to Drift creek, in Marion county,

Was read a second time, and

Referred to a select committee.

Messrs. Geer, Logan, and Ford, were appointed said committee.

Mr. Patterson, from the select committee to which was referred the petition of Robert Alexander, praying for a divorce, reported by bill—

H. B. 109. To divorce Robert Alexander, from Minerva Alexander, his wife.

Read a first time.

Mr. Crandall moved the indefinite postponement of the bill.

Lost.

Mr. Crandall moved that the bill be rejected.

Upon which motion the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Coffinbery, Condon, Crandall, Gazley, Geer, Gillespie, Hembree, Humason, Hinton, Lovejoy, Starkweather, St. Clair, Tanner, and Walker—15.

Nays—Messrs. Butler, Brown, Dunn, Drew, Elkins, Ford, Henry, Ladd, Logan, McIntire, Patterson, Smith, and Speaker—13.

So the bill was rejected.

Mr. Smith presented the following joint resolution:

H. J. R. 27. Concerning the Pacific Mail Steamship Company.

The question being upon the adoption of the resolution,

The yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Belknap, Butler, Brown, Coffinbery, Crandall, Dunn, Drew, Elkins, Ford, Gazley, Geer, Gillespie, Hembree, Henry, Humason, Hinton, Ladd, Logan, Lovejoy, McIntire, Patterson, Smith, Starkweather, St. Clair, Tanner, Walker, and Speaker—27.

Nays—Mr. Condon—1.

So the resolution was adopted.

H. B. 94. To amend an act making provisions for the construction of a Territorial Penitentiary,

Was read a second time.

On motion of Mr. Belknap,

The bill and report of the commissioners of the Penitentiary was referred to a select committee.

Messrs. Belknap, Logan, and Smith, were appointed said committee.

Mr. Belknap presented a bill—

H. B. 110. For the relief of John Flete.

Read a first time.

On motion of Mr. Logan,

The rules were suspended, and the bill read a second time.

On motion of Mr. Logan,

Referred to the committee on claims, with instruction to report whether the former keeper had not already received the money referred to in the bill.

On motion,

The House adjourned.

AFTERNOON SESSION.

H. B. 79. For the relief of J. Elder and others therein named,

Was read a second time.

Mr. Coffinbery offered an amendment (substitute).

The question being upon the adoption of the amendment,

The yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Coffinbery, Condon, Dunn, Ladd, Logan, Lovejoy, McIntire, Smith, St. Clair, and Tanner—11.

Nays—Messrs. Butler, Brown, Crandall, Elkins, Ford, Gazley, Geer, Gillespie, Henry, Humason, Hinton, Holmes, Patterson, Starkweather, Walker, and Speaker—18.

So the amendment was lost.

On motion of Mr. Humason,

Referred to a select committee.

Messrs. Humason, Geer, and Lovejoy, were appointed said committee.

Mr. Smith offered the following resolution:

Resolved, That when this House adjourns, it will take a recess until 6 1-2 o'clock, P. M.

Mr. Lovejoy presented a bill—

H. B. 111. To locate a territorial road from the north end of the Clackamas bridge, in Clackamas county, to some point on the

east bank of the Willamette river, opposite the city of Portland, in Multnomah county.

Read a first time.

On motion of Mr. Logan,

The rules were suspended, and the bill read a second time.

On motion of Mr. Geer,

The rules were further suspended, and the bill considered engrossed, read a third time and passed.

On motion of Mr. Hinton,

The report of the commissioners to erect a Territorial University was referred to a select committee.

Messrs. Hinton, McIntire, and Walker, were appointed said committee.

H. B. 96. To increase the salary of Territorial Librarian,

Was read a second time.

Mr. Smith moved to amend by striking out "$400" and inserting "$600."

Adopted.

On motion of Mr. Lovejoy,

Ordered to be engrossed, and read a third time to-morrow.

H. J. R. 26. Relative to the dues to claimants for the erection of a State House,

Was read a second time.

On motion of Mr. Logan,

Referred to a select committee.

Messrs. Logan, Smith, and Lovejoy, were appointed said committee.

C. B. 30. To locate a territorial road from Portland to Lafayette,

Was read a second time.

Mr. Logan moved to amend as follows:

Strike out the name of "John Marble," and insert that of "Felix Landers;" also, strike out the name of "George Nelson," and insert that of "E. B. Comfort;" also, strike out, in the 1st section, the words "nearest and;" also, strike out, in the same section, the words "by the way of Harris' ferry, and insert "crossing the Tualitin river at some point between Hillsborough and Scholl's ferry."

Adopted.

On motion of Mr. Logan,

The rules were suspended, and the bill read a third time and passed.

H. B. 104. To incorporate Ranier Seminary,

Was read a second time.

Mr. Logan moved to strike out the 7th section, and add the following:

"Sec. 7. The Legislature shall have power at any time to alter, amend, or repeal this act."

Adopted.

On motion of Mr. Smith,

The rules were suspended, the bill considered engrossed, and read third time and passed.

H. B. 82. To provide for the printing and distribution of certain laws in pamplet form,

Was on its second reading.

On motion of Mr. Lovejoy,

The rules were suspended, the bill considered engrossed, and read a third time and passed.

H. B. 47. Supplemental to the "Act creating the office of commissioner to control, protect, and sell the public lands donated by Congress for the establishment and endowment of a University, &c."

Was read a third time and passed.

C. B. 21. To locate the county seat of Washington county,

Was on its second reading.

On motion of Mr. Ladd,

The rules were suspended, the bill considered engrossed, and read a third time and passed.

H. B. 46. Supplemental to "An act relating to common schools and school lands,"

Was read a third time and passed.

H. B. 100. To locate a territorial road from the southern boundary line of Oregon to Jacksonville,

Was read a third time and passed.

H. B. 80. For the relief of Gideon Gravelle,

Was read a third time.

On motion of Mr. Logan,

Referred to committee on claims, with instruction to report whether the money claimed had not been paid to G. D. R. Boyd, the former keeper.

Mr. Lovejoy moved it be laid on the table.

Pending which,

On motion,

The House adjourned.

EVENING SESSION.

Mr. Logan moved a call of the House.

Absent—Messrs. Butler, Brown, Dunn, Drew, Elkins, Ford, Hembree, Hinton, Holmes.

On motion of Mr. Patterson,

All further proceedings under the call were dispensed with.

Mr. Patterson moved the House adjourn.

Upon which motion the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Crandall, Gazley, Gillespie, Humason, Ladd, Lovejoy, Patterson, Starkweather, Tanner, and Walker—10.

Nays—Messrs. Belknap, Coffinbery, Condon, Geer, Henry, Logan, Smith, and Speaker—8.

So the House adjourned.

TUESDAY, JANUARY 30, 1855.

House met pursuant to adjournment.

Absent—Mr. McIntire.

The journal was read.

Mr. Lovejoy presented the petition of the board of county commissioners of Clackamas county, relative to school fund;

Also, the petition of James S. Vincent, and numerous others, citizens of Clackamas county, praying for the reduction of fees of certain officers.

Petitions laid on the table.

Mr. Condon presented the petition of John McPherson and others, citizens of Columbia county, praying for relocation of county seat;

Also, a remonstrance against the design of the petition.

Referred to select committee.

Messrs. Condon, Logan and Coffinbery were appointed said committee.

Mr. Logan presented a petition from Ambrose Fields, praying to be divorced from his wife, Anna Fields.

Mr. Logan moved it be referred to the judiciary committee.

Lost.

Petition was laid on the table.

Mr. Gillespie presented a remonstrance from 400 citizens of Linn and Lane counties, against the petitions heretofore presented to form a new county.

Laid on the table.

Mr. Crandall, from committee on engrossed bills, reported H. B. 96, truly engrossed.

Mr. Butler, from the committee on enrolled bills, reported H. B. 70, and C. B. Nos. 4, 20, 28 and 14 truly enrolled.

Mr. Holmes, from the committee on claims, to which was referred

H. B. 92. For the relief of John Force and others, State House commissioners,

Reported back without amendment, and recommended its passage.

Mr. Drew, from the committee on military affairs, to which was

referred the report of the Commissary General, and the Assistant Quarter Master General, relative to the expenses incurred in calling out volunteers, agreeable to the Governor's proclamation,

Reported by joint resolution, H. J. R. 28.

Read a first time.

On motion of Mr. Smith,

The rules were suspended and the bill read a second time, and,

On motion of same,

The rules were further suspended, and the resolution read a third time and passed.

Mr. Patterson, from select committee to which was referred the petition of A. A. McCully and others, praying for a new county to be formed from portions of Linn and Lane counties,

Reported adversely to the prayer of petitioners.

Mr. Geer from the committee on roads and highways, to which was referred

H. B. 97. To locate a Territorial road from Takenah, Linn county, to Drift Creek, Marion county,

Reported the same back, with the following amendmetts:

1st. Strike out "Takenah" wherever it occurs, and insert "Albany."

2d. Strike out "Drift Creek," wherever it occurs, and insert "Brush Creek."

3d. Insert the following as an additional section:

"Section 3. The compensation of said commissioners and surveyor shall be each three dollars per day, and the chainmen and markers each two dollars per day for every day necessarily employed in the discharge of their duties, to be paid by the counties of Linn and Marion, in proportion to the time necessarily employed in each county."

Adopted.

On motion,

The bill was ordered to be engrossed and read the third time this afternoon.

Mr. Hinton, from select committee to which was referred the report of the commissioners to erect Territorial University at Corvallis, reported by bill.

H. B. 112. For relief of James A. Bennett, and others therein named,

Read a first time.

On motion of Mr. Ladd,

The rules were suspended and the bill read a second time.

On motion of Mr. Ladd,

The rules were further suspended, the bill considered engrossed, and read a third time.

On motion of Mr. Lovejoy,

The bill was referred to the committee on claims.

Mr. Humason from select committee to which was referred H. B. 95, reported the same back without amendment.

Mr. Lovejoy offered the following resolution (H. J. R. 28):

Resolved by the Legislative Assembly of the Territory of Oregon, That the Territorial Printer be and he is hereby requested to print H. B. 60. An act to amend the "Act to provide for holding the supreme and district courts," at the earliest day practicable, in the territorial paper.

Adopted.

Mr. Smith offered the following joint resolution:

H. J. R. 29. Authorizing the Territorial Auditor to take steps to secure to the Territorial Treasury the sums due from delinquent counties.

Read a first time.

On motion of Mr. Smith,

The rules were suspended, and the bill read a second time.

On motion of Mr. Starkweather,

The resolution was considered engrossed, and read a third time and passed.

Mr. Ladd offered the following resolution:

Resolved, That no member of this House shall be allowed to occupy the floor more than ten minutes, at any one time, in speaking on any question or motion.

Adopted.

Mr. Lovejoy presented a bill—

H. B. 113. To extend the charter of the Rockville Canal Company.

Read a first time.

On motion of Mr. Lovejoy,

The rules were suspended, and the bill read a second time.

On motion of Mr. Lovejoy,

The rules were further suspended, the bill considered engrossed, and read a third time and passed.

On motion of Mr. Crandall,

The State House commissioners report was taken up.

On motion of Mr. Henry,

Referred to a select committee.

Messrs. Henry, Tanner, and Condon, were appointed said committee.

H. B. 106. To supply vacancies in certain offices in the counties of Washington, Multnomah, and Clackamas,

Was read a second time.

Mr. Logan moved to strike out the name of "Chambers," and insert "Wm. Jolly and F. G. Nailer."

Adopted.

Also, strike out the name of "James Bybee," and insert that of "Israel Mitchell."

Passed over informally.

H. B. 107. For relief of Wm. Purvine, Hiram Smith, and hands necessarily employed by them,

Was read a second time, and

Referred to committee on claims.

Mr. Logan, on leave, presented a bill—

H. B. 114. To charter the Tualitin Bridge Company.

Read a first time.

On motion,

The rules were suspended, and the bill read a second time.

On motion,

The rules were further suspended, the bill considered engrossed, and read a third time.

On motion,

The bill was referred to committee on corporations.

Mr. Belknap presented a bill—

H. B. 115. For the relief of James B. Stephens.

Read a first time.

H. B. 90. For the relief of Washington county,

Was taken up, and

Referred to the committee on claims.

H. B. 92. For the relief of Force, Waller, and Geer, State House committee.

On motion,

The rules were suspended, and the bill read a third time and passed.

H. B. 95. For the relief of J. Elder and others therein named,

Was on its second reading.

Mr. Coffinbery moved that the rules be suspended, the bill considered engrossed, and read a third time now.

Lost.

Mr. Logan moved the indefinite postponement of the bill.

Upon which motion the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Butler, Crandall, Gazley, Geer, Gillespie, Humason, Logan, Patterson, Starkweather, Tanner, and Speaker—11.

Nays—Messrs. Belknap, Brown, Coffinbery, Condon, Dunn, Drew, Elkins, Ford, Hembree, Henry, Hinton, Holmes, Ladd, Lovejoy, McIntire, Smith, St. Clair, and Walker—18.

So the motion to indefinitely postpone was lost.

The bill was then ordered to be read a third time in its order.

H. B. 106. To supply vacancies in certain offices in the counties of Washington, Multnomah, and Clackamas,

Was read a third time and passed.

H. B. 101. To locate a territorial road from Jacksonville to Lost River,

Was read a third time and passed.

H. B. 78. Providing for the purchase in trust of lands in the city of Portland for a town site, and regulating the sale thereof,

Was taken up,

The question being—"Shall the bill pass?"

The yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Crandall, Hembree, Humason, Logan, Lovejoy, and Speaker—6.

Nays—Messrs. Belknap, Butler, Brown, Coffinbery, Condon, Dunn, Drew, Elkins, Ford, Gazley, Geer, Gillespie, Henry, Hinton, Holmes, Ladd, McIntire, Patterson, Smith, Starkweather, St. Clair, Tanner, and Walker—23.

So the bill was lost.

H. J. R. 22. Asking Congress for an appropriation to remove certain obstructions in the Willamette river.

The question being on the final passage of the resolution,

The yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Butler, Condon, Dunn, Drew, Elkins, Gazley, Gillespie, Hembree, Henry, Hinton, Holmes, Ladd, Logan, Lovejoy, McIntire, Patterson, Smith, Starkweather, St. Clair, Tanner, and Walker—21.

Nays—Messrs. Belknap, Brown, Coffinbery, Crandall, Ford, Geer, Humason, and Speaker—8.

So the resolution passed.

H. B. 96. Fixing the compensation of the Territorial Librarian,

Was read a third time and passed.

H. B. 73. For the erection of a monumental stone over the remains of the late Hon. S. R. Thurston,

Was read a third time and passed.

H. B. 74. To authorize the county commissioners of Tillamook county to levy a road tax,

Was read a third time and passed.

H. B. 42. To amend an act entitled "An act relating to roads and ferries,"

Was read a third time and passed.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am directed by the President to inform you that the accompanying

C. J. R. 9. Relative to town sites,

Has been reported truly enrolled; and it is herewith transmitted for your signature.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am instructed by the President to inform you that he has signed the accompanying bills and resolutions—

H. B. 32. An act for a survey of a territorial road from Grand Rond, in Polk county, to Tillamook Bay;

H. B. 37. An act to re-locate the Territorial University;

H. B. 40. An act to locate a territorial road from Green Valley, in Umpqua county, to Willis Jenkins', in Douglas county;

H. B. 45. An act directing the Territorial auditor to audit certain accounts;

H. B. 49. An act for the relief of George Cline, ex-sheriff of Linn county;

H. J. R. 12. Relative to the establishment of a line of mail stages from Portland to the southern boundary of Oregon;

H. J. R. 15. Requesting the commissioners for the erection of public buildings to report all vouchers in their possession from John P. Gaines in relation to the expenditures on said buildings;

H. J. R. 17. Relative to existing contracts on public buildings at the seat of government;

H. J. R. 18. Relative the establishment of a marine hospital at Astoria;

H. M. 5. Relative to the survey of lands east of the Cascade mountains; and

H. J. R. 19. Asking Congress for an additional appropriation for the completion and extension of the military road from Myrtle creek to Jacksonville.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am directed by the President to inform you that the Council has passed—

H. B. 99. To incorporate the Table Rock Water Company in Jackson county,

With the accompanying amendment; and it is herewith transmitted to the House for concurrence.

Also that the following bills have been reported truly enrolled:

C. B. 4. A bill to regulate the fees of certain officers;

C. B. 14. A bill to amend "An act relative to license;"

C. B. 20. A bill to levy a road tax in Tillamook county;

C. B. 28. Requiring commissioners of public buildings to procure titles to land, &c.;

And they are herewith transmitted for your signature.

Also, H. B. 70 has been reported truly enrolled.

Also, that the Council has passed—

C. B. 24. A bill to locate a territorial road from the Eagle creek mills to the mouth of Sandy river;

And it is herewith transmitted to the House for concurrence.

C. B. 24 was read a first time.

Council amendments to H. B. 99 were adopted.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am instructed by the President to inform you that the joint committee appointed to consider Council amendment to H. B. 70. A bill to change the name of the town of Takenah, in Linn county,

Recommend that the House recede from their disagreement.

Also, that the Council has passed—

H. B. 35. A bill to view and locate a territorial road from John Cochran's to Winchester, or Deer Creek, in Douglas county;

And it is herewith transmitted for enrollment.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am instructed by the President to inform you that the Council has passed—

C. B. 33. A bill to take the sense of the people of Douglas county for or against annexation of a portion of Douglas county to the county of Umpqua;

And it is herewith transmitted to the House for concurrence.

Also, that the Council concurs with the House in

H. M. 8. Relative to the Snake Indian massacre, &c.

Also, H. J. R. 25. Requesting the Governor to correspond with Gen. Wool, relative to procuring troops, &c.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am instructed by the President to inform you that the Council has adopted the report of the committee of conference appointed by both Houses relative to Council amendment to H. B. 44. A bill exempting the officers, &c., of fire companies from certain duties;

And they are herewith transmitted for enrollment.

C. B. 33. To take the sense of the people of Douglas county for or against annexation of a portion of Douglas county to the county of Umpqua,

Was read a first time.

On motion of Mr. Ladd,

The rules were suspended, and the bill read a second time.

On motion of Mr. Gazley,

The rules were further suspended, and the bill read a third time.

The question being—"Shall the bill pass?"

The yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Butler, Condon, Drew, Geer, Henry, Humason, Hinton, Holmes, Ladd, Logan, Lovejoy, McIntire, Smith, St. Clair, Tanner, and Speaker—16.

Nays—Messrs. Belknap, Brown, Dunn, Elkins, Ford, Gazley, Gillespie, Hembree, Patterson, Starkweather, and Walker—11.

So the bill passed.

The Speaker announced that he had signed the following bills: H. B. Nos. 85, 50, 23, 36 and 9; also, H. J. R. 21.

On motion,

The House adjourned.

AFTERNOON SESSION.

Mr. Butler, on leave, presented a bill—

H. B. 116. To submit the removal of the county seat of Polk county to the people.

On motion of Mr. Butler,

The rules were suspended and the bill read a second time.

Mr. Butler presented other papers which accompanied the bill.

On motion of Mr. Holmes,

The rules were further suspended, and the bill read a third time and passed.

Mr. Belknap, from the committee to which was referred

H. B. 114. To charter the Tualitin Bridge Company,

Reported the same back without amendment.

On motion of Mr. Belknap,

The bill was read a third time and passed.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am directed by the President to inform you that the Council has passed the accompanying bills—.

H. B. 62. A bill to amend the "Act creating a school district in Oregon City;"

H. B. 65. A bill for an act to indemnify the city of Portland;

H. B. 51. A bill to re-locate a portion of the territorial road from Doak's ferry to Corvallis;

H. B. 76. A bill to provide for the refunding of certain moneys into the Territorial Treasury;

H. B. 72. To create and regulate the office of prosecuting attorney;

H. B. 103. A bill to incorporate religious societies;

And it is herewith transmitted to the House for enrollment.

Also, C. B. 25. A bill to amend an act relating to parents and children, guardians and wards;

C. B. 27. A bill to provide for submitting C. B. 26 to the people;

C. B. 29. A bill to authorize the University commissioner to dispose of certain property;

C. B. 31. A bill providing for the public printing and distribution of laws and journals;

C. B. 32. A bill to incorporate Oregon Lodge No. 3 of I. O. O. F.; and

C. B. 35. A bill relating to territorial and school taxes;

And they are herewith transmitted to the House for concurrence.

C. B. 25. A bill to amend "An act relating to parents and children, guardians and wards,"

Read a first time.

On motion of Mr. Logan,

The rules were suspended, and the bill read a second time.

On motion of same,

The rules were further suspended, the bill considered engrossed, and read a third time and passed.

C. B. 27. A bill to provide for submitting C. B. 26 to the people.

On motion of Mr. Lovejoy,

The bill was laid on the table.

C. B. 29. A bill to authorize the University commissioner to dispose of certain property,

Read a first time.

On motion of Mr. Henry,

The rules were suspended, and the bill read a second time.

On motion of Mr. Dunn,

The rules were further suspended, and the bill read a third time and passed.

Mr. Henry asked to be excused from serving on the committee to investigate State House claims.

Granted.

The Speaker appointed Mr. Smith on said committee.

C. B. 32. To incorporate Oregon Lodge No. 3 of I. O. O. F.,

Was read a first time.

On motion of Mr. Dunn,

The rules were suspended and the bill read a second time,

On motion of Mr. Ladd,

The rules were further suspended, and the bill read a third time and passed.

C. B. 31. A bill providing for the public printing, and distribution of laws and journals,

Read a first time.

On motion of Mr. Humason,

The rules were suspended, and the bill read a second time.

On motion of Mr. Lovejoy,

The rules were further suspended, and the bill read a third time and passed.

H. B. 35. Relating to territorial and school taxes,

Read a first time.

On motion of Mr. Logan,

The rules were suspended, and the bill read a second time.

On motion of Mr. Condon,

The rules were further suspended, and the bill read a third time and passed.

Mr. Lovejoy, from the judiciary committee to which was referred H. B. 105, together with the petition and papers of Joaquin Young, praying for relief, reported by bill, as substitute—

H. B. 117. For relief of Joaquin Young.

Read a first time.

On motion of Mr. Lovejoy,

The rules were suspended, and the bill read a second time.

On motion of same,

The rules were further suspended, the bill considered engrossed, and read a third time and passed.

H. B. 55. To locate a territorial road from Brownsville, Linn county, to Winchester, in Douglas county,

Was taken up and passed.

H. B. 29. Relative to executors and administrators, and the distribution of real and personal property,

Was taken up and passed.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am instructed by the President to inform you that the Council has adopted—

H. J. R. 26. Concerning the Pacific Mail Steamship Company; And it is herewith transmitted for enrollment.

Also, that the Council concurs in House amendment to C. B. 21.

Also, H. J. R. 29. Authorizing the Territorial Auditor to take steps to secure to the Territorial Treasury the sums due from delinquent counties.

Also, H. J. R. 22. Relative to an appropriation from Congress for rendering the Willamette river navigable.

Also, H. B. 92. For the relief of John Force and others.

The Speaker gave notice that he had signed H. B. Nos. 58, 60, 5, 12, 88, H. J. R. 23, H. M. 6, C. J. R. 9, C. B. 4, 14, 20, and 28.

Mr. Smith, from the committee of conference to adjust the difference between the two Houses on H. J. R. 6, reported the same back with the following amendment, in lieu of Council amendment No. 2:

Strike out of the 8th resolution, all after the word "charter," in the 23d line.

Adopted.

Mr. Humason moved the committee to which was referred

H. J. R. 26. Relative to the dues to claimants for the erection of the State House,

Report forthwith.

Adopted.

Mr. Logan, from said committee, reported back H. J. R. 26, with the following amendments:

"*Provided*, that the persons hereinbefore mentioned shall file a

lien upon the State House building for the said sums of money respectively due them; and for that purpose they are hereby authorized and required to take a lien, when said State House building, according to the statutes in force in this Territory, as set out in the act regarding mechanics' liens.

"*Provided further*, that 80 per cent. on the amount of the said claims shall be paid as provided in the foregoing resolution."

Mr. Lovejoy moved the report be adopted.

Mr. Humason moved the report be laid on the table.

Lost.

Mr. Logan moved to insert "$3,250" in the blank in the bill.

Lost.

Mr. Logan moved to insert "$1,000."

Upon which motion the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Brown, Crandall, Dunn, Drew, Elkins, Ford, Gillespie, Henry, Lovejoy, Patterson, Smith, Starkweather, and St. Clair—14.

Nays—Messrs. Butler, Coffinbery, Condon, Gazley, Geer, Hembree, Humason, Hinton, Holmes, Ladd, Logan, Tanner, Walker, and Speaker—14.

So the motion was lost.

Mr. Lovejoy moved to insert "$500."

Mr. Ford moved to insert "$800."

Mr. Dunn moved to fill the blank with "$999 99-100."

Upon which motion the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Brown, Dunn, Drew, Ford, Gillespie, Patterson—6.

Nays—Messrs. Belknap, Butler, Coffinbery, Condon Crandall, Elkins, Gazley, Geer, Hembree, Henry, Humason, Hinton, Holmes, Ladd, Logan, Lovejoy, Smith, Starkweather, St. Clair, Tanner, Walker, and Speaker—22.

So the motion was lost.

Mr. Smith moved to fill the blank with "$500."

Upon which motion the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Brown, Crandall, Drew, Elkins, Ford, Gazley, Gillespie, Henry, Lovejoy, Patterson, Smith, Starkweather and St. Clair—14.

Nays—Messrs. Butler, Coffinbery, Condon, Dunn, Geer, Hem-

bree, Humason, Hinton, Holmes, Ladd, Logan, Tanner, Walker and Speaker—14.

So the motion was lost.

Mr. Elkins moved to fill the blank with the sum of "$300."

Upon which motion the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Brown, Condon, Crandall, Drew, Elkins, Ford, Gazley, Geer, Gillespie, Henry, Patterson, Smith, Starkweather, St. Clair, Walker and Speaker—17.

Nays—Messrs. Butler, Coffinbery, Dunn, Hembree, Humason, Hinton, Holmes, Ladd, Logan, Lovejoy and Tanner—11.

So the motion to insert $300, prevailed.

Mr. Logan moved to add to first Resolution the following:

"To John Baker, the sum of $700."

Adopted.

On motion,

The rules were suspended and the resolution read a third time and passed.

Mr. Smith, from select committee, to which was referred the report of the State House Comissioners, made a report, which was

Adopted.

[See Appendix.]

On motion of Mr. Logan,

The House took a recess 'till 7 o'clock, P. M.

EVENING SESSION.

Mr. Lovejoy in the Chair.

On motion of Mr. Henry,

H. B. 63. To define the boundaries of Yamhill county,

Was taken up—

On motion of Mr. Henry,

Referred to a select committee.

Messrs. Henry, Belknap and Holmes were appointed said committee.

Mr. Holmes, from the committee on claims, to which was referred

H. B. 112. For relief of James A. Bennett, and others,

Report the same back with the following amendments:

Amend 2d Sec., 2d line so as to read, "twenty-five" instead of "sixty-two"—amend 2d and 3d line, so as to read "forty-five" instead of "forty-four"—amend 4th line, in same sec., so as to read "ninety-three" instead of "one hundred and eight."

Which amendments were

Adopted.

On motion of Mr. Coffinbery,
H. B. 95. For relief of J. Elder, and others therein named—
Was taken up, and
Was read a third time,
The question being on its final passage,
The yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Belknap, Brown, Coffinbery, Condon, Crandall, Dunn, Drew, Ford, Henry, Humason, Hinton, Holmes, Lovejoy, Smith, St. Clair, Tanner, and Walker—17.

Nays—Messrs. Butler, Elkins, Gazley, Geer, Gillespie, Logan, Patterson, and Speaker—8.

So the bill passed.
H. B. 97. To locate a territorial road from Albany, Linn county, to Brush creek, Marion county,
Was read a third time and passed.
Mr. Smith presented a bill—
H. B. 118. To locate a teritorial road.
Read a first time.
On motion,
The rules were suspended, and the bill read a second time.
On motion of Mr. Smith,
The rules were further suspended, the bill considered engrossed, and read a third time.
The question being—"Shall the bill pass?"
The yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Brown, Coffinbery, Dunn, Drew, Elkins, Ford, Geer, Hembree, Henry, Humason, Hinton, Holmes, Lovejoy, Smith, Starkweather, and St. Clair—17.

Nays—Messrs. Butler, Condon, Crandall, Gazley, Gillespie, Logan, Patterson, Tanner, Walker, and Speaker—9.

So the bill passed.
H. B. 112. For relief of James A. Bennett and others, commissioners for the erection of a Territorial University,
Was read a third time and passed.
Mr. Henry, from the select committee to which was referred
H. B. 63. To define the boundaries of Yamhill county,
Reported the same back, amended, by substitute.
On motion of Mr. Lovejoy,
The rules were suspended and the bill read a second time,
On motion,
The rules were further suspended, the bill considered engrossed, and read a third time and passed.
Mr. Drew, on leave, presented a bill—
H. B. 119. To locate a territorial road from Myrtle creek, in

Douglas county, to intersect a territorial road leading from Jacksonville to the Natural Bridge, on Lost river.

Read a first time.

On motion of Mr. Drew,

The rules were suspended and the bill read a second time.

On motion of Mr. Walker,

The rules were further suspended, the bill considered engrossed, and read third time and passed.

Mr. Belknap, from the select committee to which was referred

H. B. 94. To amend "An act making provisions for constructing the Territorial Penitentiary,"

Reported the same back without amendment, and recommended its passage.

H. B. 94 was then read a second time.

Mr. Logan offered the following amendments:

Strike out "$1,200," in first section and insert "$1,000." In same section, strike out "$800" and insert "$600."

Strike out "$3,000," and insert "$2,500."

Which amendments were adopted.

On motion of Mr. Belknap,

The rules were suspended, the bill considered engrossed, and read a third time.

The question being—"Shall the bill pass?"

The yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Butler, Belknap, Brown, Coffinbery, Condon, Dunn, Drew, Elkins, Ford, Gazley, Geer, Gillespie, Hembree, Henry, Humason, Hinton, Holmes, Lovejoy, Smith, Starkweather, St. Clair, Tanner, and Walker—23.

Nays—Messrs. Crandall, Logan, Patterson, and Speaker—4.

So the bill passed.

H. B. 56. Relating to common schools and school lands,

Was taken up and read a third time.

Mr. Gillespie moved to lay the bill on the table.

Lost.

On motion of Mr. Patterson,

The bill was indefinitely postponed.

Mr. Holmes, from the committee on claims, to which was referred the claim of Abraham Sulger, reported adverse to potitioner.

Message from the Council, by Mr. Genois, their clerk:

Mr. Speaker: I am directed by the President to inform you that the Council has passed—

H. B. 47. A bill to define the powers and duties of the commissioner to sell lands donated by Congress,

With the accompanying amendment; and the House is requested to concur.

Also, C. B. 34. A bill to take the sense of the people relative to a State constitution;

And it is herewith transmitted for concurrence.

Also, that the Council have adopted the report of the conference committee relative to H. J. R. 6; and it is herewith transmitted for enrollment.

Also, that the Council have passed—

C. B. 22. A bill to incorporate the Pacific Telegraph Company;

And the House is requested to concur.

Also, H. B. 82. To provide for the printing and distribution of certain laws in pamplet form;

And it is herewith transmitted for enrollment.

Also, H. B. 104. To incorporate Ranier Seminary.

C. B. 34. To take the sense of the people relative to a State constitution,

Was read a first time.

On motion of Mr. Crandall,

The rules were suspended, and the bill read a second time.

On motion of same,

The rules were further suspended, and the bill read a third time.

The question being—"Shall the bill pass?"

The yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Butler, Brown, Coffinbery, Condon, Crandall, Gazley, Geer, Gillespie, Hembree, Henry, Hinton, Holmes, Logan, Patterson, Smith, Starkweather, St. Clair, Tanner and Walker—20.

Nays—Messrs. Dunn, Elkins, Ford, and Speaker—4.

So the bill passed.

C. B. 27. For submitting C. B. 26 (A bill providing against the evils of intoxicating liquors) to the people,

Was read a first time.

Mr. Smith moved the bill be indefinitely posponed.

Upon which motion the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Belknap, Butler, Brown, Coffinbery, Crandall, Dunn, Drew, Elkins, Gazley, Geer, Hembree, Humason, Hinton, Logan, Patterson, Smith, St. Clair, and Speaker—18.

Nays—Messrs. Condon, Ford, Gillespie, Henry, Holmes Tanner, and Walker—7.

So the bill was indefinitely postponed.

On motion,

The House adjourned.

WEDNESDAY, JANUARY 31, 1855.

The House met pursuant to adjournment.

On motion of Mr. Humason,

A call of the House was had, and the sergeant-at-arms dispatched after the absentees.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am instructed by the President to inform you that the Council have passed—

H. B. 96. A bill fixing the compensation of the Territorial Librarian,

With an amendment; and it is herewith transmitted for concurrence.

Council amendment to H. B. 96 was adopted.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am directed by the President to inform you that the Council has passed—

H. J. R. 20. Relative to adjournment *sine die;*

And it is herewith transmitted to the House.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am instructed by the President to inform you that the Council has passed—

H. B. 108. A bill to define the southern line and limits of Clackamas county,

With the accompanying amendment, and the House is requested to concur.

Also, H. J. R. 28. Relative to paying officers, &c., while operating under the proclamation of the Governor during the time previous to adopting measures to avenge the Snake Indian massacre.

Also, H. B. 55. A bill to locate a territorial road from Brownsville to Winchester,

With the accompanying amendment, and the House is requested to concur.

Also, C. B. 38. A bill to define the boundary line of Polk county;

And the concurrence of the House is also requested.

The House refused to concur in Council amendment to H. B. 108.

Mr. Butler, from the committee on enrolled bills, reported the following bills truly enrolled: C. B. Nos. 32, 33, 35, 29, 25, 21, 31, and H. B. 99, 103, 35, 65, 72, and 62, C. J. R. 10 and 11, H. J. R. 25 and 22, and H. M. 8.

C. B. 22. To incorporate the Pacific Telegraph Company,

Was read a first time.

On motion of Mr. Butler,
The rules were suspended, and the bill read a second time.
On motion,
The rules were further suspended, and the bill read a third time and passed.

H. B. 55. To locate a territorial road from Albany, Linn county, to Winchester, in Douglas county,
Was returned from the Council with the following amendment:
Amend title by striking out "Winchester, Douglas county," and insert "intersect the terrritorial road leading from Corvallis to Winchester, at or near Henry Coleman's."
House concurred.

C. B. 24. To locate a territorial road from Eagle Creek Mills to the mouth of Sandy river,
Was read a first time.
On motion,
The rules were suspended, and the bill read a second time.
On motion,
The rules were further suspended, and the bill read a third time and passed.

C. B. 38. To define the boundaries of Polk county,
Was read a first time.
On motion,
The rules were suspended, and the bill read a second time.
On motion of Mr. Hembree,
The bill was referred to a select committee.
Messrs. Hembree, Holmes, and Lovejoy, were appointed said committee.
Message from the Council, by Mr. Genois, their clerk:

Mr. Speaker: I am instructed by the President to inform you that the Council has passed the accompanying—
H. B. 101. A bill to locate a territorial road from Jacksonville to Lost river;;
And it is herewith transmitted for enrollment.

Mr. Geer, from the committee on roads and highways, to which was referred C. B. Nos. 11, 13, and 17, and the petition of Elisha Griffith and others, praying for private roads, reported the bills back without amendment.
On motion,
They were laid on the table.
On motion,
The House adjourned.

AFTERNOON SESSION.

The Speaker gave notice that he had signed the following bills: H. B. Nos. 62, 70, 99, 103, 35, 65, and 72, H. J. R. 25, 22, and H. M. 8.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am directed by the President to inform you that the following bills have been reported truly enrolled: H. M. 8, H. B. Nos. 35, 62, 65, 72, 99, 103, and H. J. R. Nos. 22 and 25.

Also, C. B. Nos. 25, 31, 32 33, 35, 21, 29, and C. J. R. Nos. 10 and 11; and they are herewith transmitted for your signature.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am instructed by the President to inform you that the Council has passed the accompanying bills—

H. B. 42. A bill to amend an act relating to roads and ferries;

H. B. 106, with an amendment;

H. B. 100. A bill to locate a territorial road from the southern boundary of Oregon to Jacksonville;

H. B. 95. A bill for the relief of J. Elder and others;

H. B. 29. A bill to amend "An act respecting executors, administrators, &c.;"

H. B. 111. A bill to locate a territorial road from Clackamas bridge to the east bank of the Willamette river opposite Portland;

H. B. 103. A bill to incorporate the Rockville Canal Company;

H. B. 117. A bill for the relief of the heirs of Ewing Young;

H. B. 46. A bill relating to common schools and school lands;

H. B. 119. To locate a territorial road from Myrtle creek to Lost river;

H. B. 74. To levy a road tax in Tillamook county;

H. B. 97. A bill to locate a territorial road from Albany to Brush creek;

H. B. 116. A bill to provide for the re-location of the seat of justice of Polk county;

H. B. 112. A bill for the relief of J. A. Bennett and others.

Also, that the Council refuses to recede from their amendment to H. B. 108, and Messrs. Peebles and Richardson have been appointed a committee of conference on part of the Council.

On motion of Mr. Geer,

A committee of conference was appointed on part of the House to adjust the difference between the two Houses.

Messrs. Geer and Henry were appointed said committee.

Council amendment to

H. B. 106. To fill vacancies in certain offices in Washington, Multnomah, and Clackamas counties,

Was concurred in.

Mr. Butler, from the committee on enrolled bills, reported C. B. 30, and H. B. 29, 44, 82, and 92, truly enrolled.

The Speaker gave notice that he had signed C. B. Nos. 21, 25, 29, 31, 32, 33, and 35, and C. J. R. 10 and 11.

On motion,

The House adjourned.

EVENING SESSION.

The Speaker gave notice that he had signed H. B. 92, 44, H. J. R. 29 and 82.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am instructed by the President to inform you that the Council refuses to concur in the report of the conference committee relative to adopting Council amendment to

H. B. 108. A bill to define the southern boundary of Clackamas county.

On motion,

The House refused to adopt the report of committee of conference on H. B. 63, and receded from their refusal to concur in Council amendment.

Mr. Humason offered the following resolution:

Resolved, That when this House adjourns, it adjourns to meet to-morrow at 9 o'clock.

Adopted.

Mr. Butler, from the committee on enrolled bills, reported H. B. Nos. 55, 75, 47, 104, 111, 113, 74, 112, 101, 46, H. J. R. 26 and 27 truly enrolled.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am instructed by the President to inform you that C. B. 30 has been reported truly enrolled; and it is herewith transmitted for your signature.

Also, that the President has signed the accompanying bills and resolutions, viz: C. B. Nos. 4, 14, 20, 28, C. J. R. 9; also H. B. Nos. 5, 9, 12, 23, 35, 36, 50, 58, 60, 62, 65, 69, 70, 72, 85, 88, 99, 103, H. J. R. Nos. 21, 22, 23, 25, H. M. 6 and 8; and they are herewith transmitted to the House in which they originated.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am instructed by the President to inform you that the Council has passed the accompanying bills—

H. B. 63. An act defining the boundary of Yamhill county,

With an amendment; and

H. B. 114. A bill for an act to incorporate the Tualitin Bridge Company,

With amendments; and they are herewith transmitted for your concurrence.

Also, H. B. 94. A bill making provision for the construction of a Territorial Penitentiary,

With an amendment; and the House is requested to concur.

Also, that he has signed C. B. Nos. 25, 29, 31, 32, 33, 25, 21, and C. J. R. 10, and 11.

H. B. 63 returned from Council with the following amendments:

Strike out all after the enacting clause and insert the following:

"Beginning at the centre of the main channel of the Willamette river, at its intersection by the meridian line; thence north, to the corner of sections 18 and 19, T. 3 S., R. 1 E., and sections 13 and 24, T. 3 S., R. 1 W.; thence, on the section, two miles west, one mile north, four miles west; thence, on township lines, two miles north, six miles west, one mile north; thence, on section lines, one mile west, one mile north, six miles mest, one mile north, one mile west, one mile north, three miles west, one mile north, one mile west, one mile north, to the corner of townships 1 and 2 south, range 4 and 5 west; thence west, on the township lines, to the summit of the coast mountains."

Which were adopted.

The House concurred in Council amendments to H. B. 114.

Mr. Holmes, from the select committee to which was referred C. B. 38. To define the boundaries of Polk county,

Was read a third time and passed.

The House refused to concur in Council amendments to H. B. 94.

Mr. Geer offered the following resolution:

Resolved, That the thanks of this House are due, and are hereby tendered to the Hon. L. F. Cartee, for the impartiality, fidelity, and ability, with which he has discharged his duties as Speaker of this House.

Adopted.

Mr. Crandall offered the following resolution:

Resolved, That the thanks of this House be tendered to Victor Trevitt, for the faithful and efficient services he has rendered as chief clerk of the House of Representatives.

Adopted.

Mr. Humason offered the following resolution:

Resolved, That the thanks of this House are tendered to its several

officers for their efficient services during the present session of the Assembly.

Adopted.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am instructed by the President to inform you that he has signed the accompanying bills, &c.: H. B. Nos. 44, 82, 92, and H. J. R. 29; and they are herewith returned to the House in which they originated.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER: I am directed by the President to inform you that the Council recedes from their amendment to H. B. 94; and it is herewith transmitted for enrollment.

On motion,
The House adjourned.

THURSDAY, FEBRUARY, 1, 1855.

House met pursuant to adjournment.

Mr. Crandall offered the following House joint resolution:

Resolved by the Legislative Assembly, That the Territorial Auditor be directed to draw his order on the Territorial Treasury in favor of J. C. Geer, for six dollars, being for services as assistant enrolling clerk; also, in favor of Abram Sulger for six dollars, being for like services.

Adopted.

Mr. Holmes, from the committee on enrolled bills, reported H. B. Nos. 101, 112, 76, 29, 51, 73, 74, 46, 96, 117, 116, 119, 97, 100, 95, and 106; also H. J. R. 28 truly enrolled.

Also, H. B. Nos. 63, 94, 42, 114, and H. J. R. 26.

Message from the Council, by Mr. Genois, their clerk:

MR. SPEAKER:—I am instructed by the President to inform you that the following bills have been reported truly enrolled, and they are herewith transmitted for your signature: C. B. Nos. 34, 24, 37, and 22.

The Speaker gave notice that he had signed H. B. Nos. 43, 114, 74, 94, 117, 116, 96, 101, 119, 112, 76, 29, 51, 73, 55, 75, 111,

113, 104, 47, 106, 95, 100, 63, 97, 46, and H. J. R. 28, 6, 27, 30, 26; also, C. B. 22, 37, 24, 34.

Mr. Crandall offered the following resolution:

Resolved, That the Council be informed that the House is now ready to adjourn *sine die*.

Adopted.

Message from the Council, by Mr. Genois, their clerk:

Mr. Speaker: I am directed by the President to inform you that he has signed the following bills and resolutions: C. B. 34, 37, 24, and 22, H. J. R. 6, 30, 27, 26, 28, H. B. 43, 114, 74, 94, 51, 117, 116, 96, 101, 119, 112, 76, 73, 29, 55, 75, 111, 113, 104, 106, 47, 46, 97, 63, 100, 95, and are herewith returned to the House in which they originated.

Message from the Council, by Mr. Genois, their clerk:

Mr. Speaker: I am directed by the President to inform you that the Council has adopted—

H. J. R. 27. Requesting the Territorial Printer to print H. B. 60 at his earliest opportunity.

Also, C. B. 37. A bill to amend the act to provide for holding the district and supreme courts;

And it is herewith transmitted for concurrence.

Also, H. B. 75. A bill providing for taking the sense of the people of Linn county relative to the removal of the county-seat of said county.

Also, H. B. 73. Bill for the erection of a monumental stone to be placed at the head of the grave of the late Hon. S. R. Thurston; and it is herewith transmitted for enrollment.

C. B. 37. To provide for holding the supreme and district courts,

Was read a first time.

On motion of Mr. Holmes,

The rules were suspended, and the bill read a second time.

On motion of Mr. Lovejoy,

The rules were further suspended, and the bill read a third time and passed.

Mr. Humason moved that the House now adjourn *sine die*.

Whereupon the Speaker rose and addressed the House as follows:

Gentlemen of the House of Representatives: I am unwilling to declare the final adjournment of this House without first returning you my sincere thanks for the courtesy and considerate kindness extended towards me whilst I have presided over your deliberations, and shall ever hold in grateful recollection your forbearance towards

my faults, and your generous assistance in enabling me to discharge the duties of the chair. I may be permitted to say that no personal feeling, save one of mutual kindness, has left its impression upon my mind; and notwithstanding many questions of an exciting character have been discussed in this House, I congratulate you, gentlemen, that a spirit of forbearance, conciliation and compromise, have invariably characterized your discussions; and I believe you all will with pride remember that nothing personal has occurred to mar your kind regards towards each other. I trust all your acts will prove to the interest of the Territory, and meet with the approbation of your immediate constituents. But let them give their approbation or *disapproval*, I entertain the confident belief, that when again in the midst of those to whom we are responsible, we shall be able, with a consciousness of truth, to claim that we endeavored to discharge, with honesty and fidelity, the high duties entrusted to our care.

In conclusion, gentlemen, I can truly say that I have endeavored, to the best of my poor ability, to discharge with impartiality the duties you assigned me; and if at any time I have failed so to do, I can only thus publicly say, you have my sincere regrets.

Wishing you a prosperous journey to your homes, I perform now my last act of duty, and, in obedience to your will, I declare this House *dissolved*.

L. F. CARTEE,
Speaker of the House of Representatives.

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APPENDIX.

RULES

FOR THE

GOVERNMENT

OF THE

HOUSE OF REPRESENTATIVES,

OF

OREGON TERRITORY.

RULE 1. The Speaker shall take the chair every day precisely at the hour to which the House shall have adjourned on the preceding day. He shall immediately call the members to order, and, on the appearance of a majority of the members, shall cause the journals of the preceding day to be read.

RULE 2. Seven members with the Speaker, or eight members in his absence having chosen a Speaker *pro tem.*, shall be authorized to call the House, compel the attendance of absent members, make an order for their fine and censure, and may adjourn.

RULE 3. The Speaker shall preserve order and decorum, may speak to points of order in preference to other members, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the House by any two members, on which appeal no member shall speak more than once, unless by leave of the House.

RULE 4. The Speaker shall rise to put a question, but may state it sitting.

RULE 5. Questions shall be directly put in this form, to wit: As many as are of opinion that (as the question may be,) say aye; and after the affirmative voice is expressed—As many as are of the contrary opinion, say no. If the Speaker doubt, or a division is called for, the House shall divide—those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative.

RULE 6. The Speaker shall have a general direction of the House of Representatives room, he shall have a right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment; he shall have the right to name any member to bear messages to the Council, and to appoint all committees, subject to additional members, to be added upon motion.

RULE 7. The Speaker shall vote in all elections by ballot, and when the ayes and noes are called for, he shall vote, his name being called last, and in case of an equal division, the question shall be lost; and upon all other questions where the House is equally divided, he shall give the casting vote; or where his vote would make an equal division, he shall vote upon the call of any member, and in case of such division, the question shall be lost.

RULE. 8. Fourteen standing committees, to consist of three members each, except the committee on judiciary, which shall consist of five members. A committee on elections, a committee on ways and means, a committee on education, a committee on the judiciary, a committee on claims, a committee on military affairs, a committee on roads and highways, a committee on engrossed bills, a committee on enrolled bills, a committee on Indian affairs, a committee on commerce, a committee on printing, a committee on corporations, a committee on counties. It shall be the duty of the committee on elections to examine and report upon the certificates of elections and other credentials of the members returned to serve in the House, and to take into consideration all other matters relative to contested elections which may be referred to them. It shall be the duty of the committee on ways and means to inquire into the financial concerns of the Territory, and to make a detailed report of the same, and to take into consideration all such other business as may be referred to them; and each of the other committees shall take into their consideration all subjects and matters which may be referred to them.

RULE 9. In case of any disturbance or disorderly conduct in the lobby, the Speaker (or chairman of the whole House) shall have the power to order the same to be cleared.

RULE 10. No committee shall sit during the sitting of the House without special leave; and all writs, warrants and subpœnas issued by order of the House shall be under the hand and seal of the Speaker, attested by the clerk.

RULE 11. All questions relating to the priority of business to be acted on, shall be decided without debate.

RULE 12. After the journals are read, business shall be disposed of in the following order:

1. Petitions, memorials and remonstrances.
2. Reports from standing committees.
3. Reports from select committees.
4. Propositions and motions.
5. Second reading of bills, &c.

6. Engrossed bills read a third time.
7. Bills, reports and other business lying on the table.
8. Bills, and other business from the Council.
9. Other business of the Council.
10. The orders of the day.

RULE 13. The Speaker shall, upon each day, announce to the House the business in order, agreeably to the preceding rule; and no business shall be taken up or considered until the class to which it belongs shall be declared to be in order; but reports from the Governor may be read at any time.

RULE 14. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to Mr. Speaker, and shall confine himself to the question under debate, and avoid personality; and no member shall impeach the motive of any other member's vote or argument.

RULE 15. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide the case, but without debate. If there be no appeal, the decision of the chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the House.

RULE 16. If any member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be taken down in writing at the clerk's table; and no member shall be held to answer, or be subject to the censure of the House for words spoken in debate, if any other member has spoken, or other business has intervened, after the words are spoken, and before exception to them shall have been taken.

RULE 17. When two or more members happen to rise at once, the Speaker shall name who is the first to speak.

RULE 18. No member shall speak more than twice to the same question without the leave of the House, nor more than once until every member choosing to speak shall have spoken.

RULE 19. While the Speaker is putting the question, or addressing the House, no member shall walk across or out of the House; nor when a member is speaking shall any entertain private discourse, or pass between him and the chair.

RULE 20. No member shall vote on any question, in the event of which he is immediately and particularly interested, or in any case when he was not within the bar of the House when the question was put; and when any member shall ask leave to vote, the Speaker shall propound to him the question—Were you within the bar when your name was called.

RULE 21. No member shall be permitted to record his vote on

either side of any question, unless he was present in the House at the time such question was put, unless by unanimous consent of the House.

RULE 22. Upon a division and count of the House on any question, no member without the bar shall be counted.

RULE 23. Every member who shall be in the House when the question was put, shall give his vote, unless the House, for special reasons, shall excuse him. All motions to excuse a member from voting shall be made before the House divides, or before the call of the yeas and nays is commenced; and any member requesting to be excused from voting, may make a brief verbal statement of the reasons for making such request; and the question shall then be taken without further debate.

RULE 24. When any motion is made and seconded, it shall be stated by the Speaker, or, being in writing, it shall be handed to the Chair, and read aloud before debated.

RULE 25. Every motion shall be reduced to writing, if the Speaker or any member desire it.

RULE 26. After a motion is stated by the Speaker, and read, it shall be deemed to be in possession of the House, but may be withdrawn at any time before decision or amendment.

RULE 27. When a question is under debate, no motion shall be received but to adjourn, to lie upon the table, for the previous question, to postpone indefinitely, to postpone to a day certain, to recommit or amend; which several motions shall have precedence in the order in which they stand arranged; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition.

RULE 28. When a question is postponed indefinitely, the same shall not be acted upon again during the session.

RULE 29. The previous question shall be put in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and, until it is decided, shall preclude all amendment, and further debate of the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the House shall be in order; but after a majority shall have seconded such motion, no call shall be in order prior to the decision of the main question.

RULE 30. On a previous question there shall be no debate; all incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

RULE 31. Motions and reports may be committed at the pleasure of the House.

RULE 32. Any member may call for the division of a question, which shall be divided if it comprehend propositions in substance so distinct, that one being taken away, a substantive proposition shall remain for the decision of the House. A motion to strike out and

insert shall be deemed indivisible; but a motion to strike out, being lost, shall preclude neither amendment, nor a motion to strike out and insert.

RULE 33. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. No bill or resolution shall at any time be amended by annexing thereto, or incorporating therewith, any other bill or resolution pending before the House.

RULE 34. When a motion has once been made, and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof on the same or any other day during the session.

RULE 35. When the reading of a paper is called for, if any objections are made, it shall be decided by a vote of the House.

RULE 36. The unfinished business in which the House was engaged at the preceding adjournment, shall have the preference in the order of the day; and no motion or any other business shall be received without special leave of the House, until the former is disposed of.

RULE 37. If a question depending be lost by adjournment of the House, and revived on the succeeding day, no member who shall have spoken twice on the succeeding day shall be permitted again to speak without leave.

RULE 38. Petitions, memorials, and other papers addressed to the House, may be presented by the Speaker, or by any member, and shall not be debated or decided on the day of their being first read, unless where the House shall direct otherwise, but shall lie on the table, to be taken up in the order they were read.

RULE 39. A motion to adjourn shall be always in order; that, and the motion to lay on the table, shall be decided without debate.

RULE 40. It shall be in order for the committee on enrolled bills to report at any time when no motion is before the House. The committee can report without notice to the House, by handing the report to the principal clerk.

RULE 41. Every bill shall be introduced by motion for leave, or by order of the House, or the report of the committee. One day's notice, at least, shall be given of a motion to bring in a bill, and the member giving such notice shall state concisely the leading objects of the bill, for the information of the House, which motion may be committed.

RULE 42. Every bill shall receive three several readings, on three different days, previous to its passage, unless two-thirds of the House shall dispense with this rule.

RULE 43. First reading of a bill shall be for information, only, except bills from individual members, which may be referred at any time. But if, on first reading of a bill, objection be made, the question shall be—"Shall this bill be rejected?"—if no opposition be made, or the question to reject be negatived, the bill shall go for its second reading without a question.

RULE 44. Upon the second reading of a bill, the Speaker shall state it is ready for commitment or engrossment, and if committed, then the question shall be whether to a select or standing committee, or to a committee of the whole House; the House shall determine on what day; but if the bill be ordered to be engrossed, the House shall appoint the day when it shall be read a third time.

RULE 45. After commitment and report thereof to the House, or at any time before its passage, a bill may be recommitted.

RULE 46. All bills ordered to be engrossed shall be in a fair round hand.

RULE 47. No amendment by way of ryder shall be received to a bill on its third reading.

RULE 48. When a bill shall pass, it shall be certified by the clerk, noting the day of its passage at the foot thereof.

RULE 49. In forming a committee of the whole house, the Speaker, leaving the chair, shall appoint a chairman to preside.

RULE 50. Upon bills committed to a committee of the whole House, the bill shall be read throughout by the clerk, and then again read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined, but all amendments, (noting the page and line), shall be duly entered by the clerk on a separate paper, as the same shall be agreed to by the committee and so reported to the House; after report, the bill shall again be subjected to be debated and amended by clauses, before a question to engross it be taken.

RULE 51. All questions, whether in committee or in the House, shall be propounded in the order in which they are moved, except that in filling up blanks, the largest sum and the longest time shall be first put.

RULE 52. No motion or proposition for a tax or charge upon the people shall be discussed the day on which it is made or offered, and every such proposition shall receive its first discussion in a committee of the whole House.

RULE 53. The rules of proceeding in the House, shall be observed in a committee of the whole House, so far as they may be applicable, except the rules limiting the times of speaking, but no member shall speak twice to any question until every member choosing to speak shall have spoken.

RULE 54. No standing rule or order of the House shall be rescinded or changed, without one day's notice being given of the motion therefor, nor shall any rule be suspended, except by a vote of at least two-thirds of the members present, nor shall the order of business established by the rules of the House, be postponed or changed, except by a vote of at least two-thirds of the members present.

RULE 55. No member shall absent himself from the service of the House, unless he shall have leave, or be sick and unable to attend.

RULE 56. The Clerk of the House shall take an oath for the

true and faithful discharge of the duties of his office, to the best of his abilities, and shall be deemed to continue in office until another be chosen.

RULE 57. The duty of door-keeper shall be to give notice to the House of all messages, to carry all messages the House may require, private as well as public; when requested to call a member of the House, he shall do so by name; he shall keep the House clean, and have a good fire made therein, by the hour of 9 o'clock in the morning, when the weather requires it.

RULE 58. It shall also be the duty of the door-keeper to attend the House during its sittings, to keep the Representative Hall and committee rooms in perfect order, and in all things to execute the commands of the Speaker, and of the House, from time to time.

RULE 59. It shall be the duty of the sergeant-at-arms to attend the House during its sittings, announce all messages, preserve order in the lobby of the Hall, and to execute all processes issued by authority of the House, and directed to him by the Speaker.

RULE 60. No person shall be allowed to smoke within the Hall or lobby thereof.

RUEL 61. The Clerk shall keep a journal of the decisions of the Chair, to be inserted at the close of the journal of the House.

JOINT RULES.

RULE 1. While bills or joint resolutions are on their passage between the two Houses, they shall be on paper, under the signature of their Clerks respectively.

RULE 2. After a bill or joint resolution shall have passed both Houses, it shall be duly enrolled on paper, and the Clerk of the House where it originated, shall endorse on the back thereof, the House in which it originated, under which he shall place his signature.

RULE 3. Every bill or joint resolution, after being enrolled, shall be examined by the joint committee on enrolled bills, consisting of at least two members from each House, who shall compare the same with the engrossed bills, and correct any errors they may discover, so as to make it agree therewith, and make their report forthwith to the respective Houses.

RULE 4. Every bill or joint resolution reported to have been duly enrolled, shall be first signed by the Speaker of the House of Representatives, who shall send the same to the Council, then by the President of the Council.

RULE 5. All bills and joint resolutions shall be signed by the Speaker of the House of Representatives, and President of the Council, in their Houses respectively, when in session, which shall be caarefully noted on the journals of each House.

RULE 6. When any paper or papers, proper to be acted upon by both Houses, shall come before either, the House before which such paper or papers are laid, shall, after acting thereupon, lay it or them before the other House.

RULE 7. In case of disagreement between the two Houses, after passing the usual formalities, each House shall appoint, at the request of the other, two members to act as a committee of conference, which committee shall meet, endeavor to compromise the matter in dispute, and report to each House their proceedings thereon.

RULE 8. In all cases where the sergeant-at-arms of either House, by reason of official engagements, or other causes, be unable to execute the commands or process of the House of which he is an officer, it shall be the duty of the sergeant-at-arms of the other House to execute such commands, together with such process as may be directed to him by the presiding officer thereof.

RULE 9. When a message is sent to the Council or House of Representatives, it shall be announced at the door by the sergeant-at-arms or door-keeper, and shall be respectfully communicated to the Chair by the person by whom sent.

RULE 10. Messages shall be sent by such officers of the Council or House, as the President of the Council or the Speaker of the House of Representatives may designate for that purpose.

RULE 11. No bill which shall have passed one House shall be sent for concurrence to the other, on either of the last two days of the session.

RULE 12. The President of the Council and the Speaker of the House shall cause the Clerk of each House to number the bills and resolutions originating in their respective Houses.

TREASURER'S REPORT.

To the Honorable Legislative Assembly of Oregon Territory:

In conformity to the provisions of law, the Treasurer of said Territory, begs leave to submit the following report; showing the receipts and expenditures of the Treasury Department, during the fiscal year, ending December 6th, A. D., 1854:

Receipts;

		Balance in the treasury on last settlement,	$ 4 37
Jan.	23, 1854,	Received from J. H. Foster, county treasurer of Linn county, for the year 1853,	200 00
"	30, "	Rec'd from B. F. Nichols, sheriff of Polk county, for 1853,	317 42
Feb.	1, "	Rec'd from Wm. J. Herren, sheriff of Marion county, for 1853,	51 00
Mar.	7, "	Rec'd from the sheriff of Lane county, for the year 1853,	234 74
"	30, "	Rec'd from Wm. J. Herren, sheriff of Marion county, for 1853,	277 01
April,	15, "	Rec'd from the sheriff of Yamhill county, for the year 1853,	363 88
"	24, "	Rec'd from the sheriff of Washington county, for the year 1853,	164 84
May	1, "	Rec'd from the county treasurer of Linn county, for the year 1853,	250 00
"	25, "	Rec'd from the county treasurer of Benton county, for 1853,	318 04
June	14, "	Rec'd from the sheriff of Clackamas county, for the year 1853,	287 50
			$2,368 80

		Amount brought forward,	$2,368 80
June	16, 1854,	Rec'd from the county treasurer of Linn county, for the year 1853,	73 41
July	8, "	Rec'd from the sheriff of Washington county, for the year 1853,	15 74
"	8, "	Rec'd from the sheriff of Washington county, for the year 1852,	16 61
Aug.	24, "	Rec'd from the sheriff of Umpqua county, for the year 1853,	181 42
Nov.	28, "	Rec'd from the county treasurer of Marion county, for 1854,	500 00
		Total amount received since last settlement, is three thousand, two hundred and fifty-five dollars, and ninety-eight cents,	$3,255 98
		Expenditures for Warrants.	
Feb.	1, 1854,	Paid Abram Sulger, per order No. 48, on file in this office,	$ 51 00
Mar.	30, "	Paid the sheriff of Marion county, per order No. 57, on file in this office,	50 96
"	30, "	Paid Joseph Hunsacker, per order No. 49, on file in this office,	15 00
April	2, "	Paid R. P. Boise, per order No. 42, on file in this office,	250 00
"	9, "	Paid J. G. Baker, per order No. 60, on file in this office,	26 50
"	13, "	Paid B. F. McLench, per order No. 55, on file in this office,	219 00
"	21, "	Paid the treasurer of Polk county, per order No. 44, on file in this office,	500 00
"	24, "	Paid Wm. H. Bennett, per order No. 28, on file in this office,	164 64
May,	2, "	Paid J. D. Boon, J. P., per order No. 61, on file in this office,	31 25
"	2, "	Paid J. D. Boon, per order No. 62, the sum of	33 00
"	10, "	Paid Ferris Mills, per order No. 53, the sum of	125 00
"	26, "	Paid Thomas Scott, per order No. 50, the sum of	310 50
June	14, "	Paid T. J. Dryer, per order No. 68, the sum of	32 00
			$8,320 81

		Amount brought forward,	$8,320 81
June	14, 1854,	Paid F. S. Holland, per order No. 32, the sum of	252 50
July	5, "	Paid Geo. K. Sheil, per order No. 70, the sum of	100 00
"	8, "	Paid Wm. H. Bennett, per order No. 28, the sum of	32 35
"	26, "	Paid Joseph Holman, for territorial safe, and cartage on the same,	102 00
Aug.	1, "	Paid Samuel F. Starr, per order No. 71, the sum of	54 00
"	24, "	Paid J. W. Nesmith, per order No. 42, the sum of	181 42
Nov.	11, "	Paid Philip Gerhart, per order No. 38, the sum of	52 00
"	24, "	Paid J. D. Boon, per cent., as per order on file, No. 97, the sum of	106 77
		Paid for postage and paper, and incidental expenses for the year 1854,	24 75
"	28, "	Paid Isaac Hutchins, per order No. 56, the sum of	372 50
"	28, "	Paid Geo. K. Sheil, per order No. 87, the sum of	100 00
		Total amount paid out since last settlement, is three thousand, one hundred and eighty-seven dollars and fourteen cents,	$3,187 14
		Total amount received,	$3,255 98
		Total amount paid out,	3,187 14
		Balance in the treasury is sixty-eight dollars and eighty-four c'ts,	$ 68 84

Respectfully submitted,
J. D. BOON, *Ter. Treasurer.*

The Treasurer of said Territory would respectfully report to your honorable body, the present condition of the University Land Fund, as follows, to-wit:

Aug.	3, 1854,	Received from N. Huber, University Land Commissioner, in gold coin,	$1,910 00

			Amount brought forward,	$1,910 00
Aug.	3,	1854,	Rec'd from N. Huber, in gold coin,	90 00
Nov.	6,	"	Rec'd from N. Huber, in gold coin,	4,200 00
			Total amount in gold coin,	$6,200 00
			Also in notes and mortgages, viz:	
Aug.	3,	1854,	In notes and mortgages, bearing interest at seven per cent. per annum,	$ 816 30
Nov.	6,	"	Rec'd from N. Huber, in notes and mortgages, with security approved by the commissioners,	1,756 86
			Total,	$2,573 23

Expenditures:

Aug.	3,	1854,	P'd out of University Fund, for books,	$ 4 00
"	3,	"	Paid N. Huber, per order by territorial auditor, No. 65,	90 00
"	3,	"	Paid Jacob Martin, per order No. 47, by territorial auditor, the sum of	55 00
"	3,	"	Paid N. Huber, per order No. 66, by territorial auditor, the sum of	65 00
"	3,	"	Paid N. Huber, per order No. 82, the sum of	95 00
Sept.	1,	"	Paid Simon Hagar, per order No. 40,	250 00
"	3,	"	Paid Simon Hagar, per order No. 86,	300 00
Nov.	28,	"	Paid J. D. Boon, per order No. 96,	192 00
"	25,	"	Paid James Kinney, per order No. 2, of the board of commissioners, for the erection of the University,	1,500 00
			Total amount paid out,	$2,551 64
			Amount received in coin,	$6,200 00
			Amount paid out,	2,551 64
			Balance in cash, now in treasury,	$3,648 36

Also, two thousand, five hundred and seventy-three dollars and twenty-three cents, in notes, bearing seven per cent. interest.

Total amount of University fund in the treasury, in cash and notes, six thousand two hundred and twenty-one dollars and fifty-nine cents, this 6th day of December, A. D., 1854.

Respectfully submitted,

J. D. BOON, *Treasurer.*

CORRESPONDENCE

Relating to the massacre of Immigrants by the Snake River Indians, in August, 1854.

TERRITORY OF OREGON,
EXECUTIVE OFFICE,
Salem, Dec. 11, 1854.

To the House of Representatives of the Territory of Oregon:

In accordance with your resolution of the 7th instant, requesting to be furnished with all the correspondence and information in my possession, in relation to the massacre of a portion of the last immigration, by the Snake Indians, on the 20th of August last, I have the honor to transmit the accompanying documents.

GEO. L. CURRY.

TERRITORY OF OREGON,
EXECUTIVE OFFICE,
Salem, Sept. 18, 1854.

GEN. JOSEPH LANE,

Delegate to Congress from Oregon:

DEAR SIR:—I enclose, herewith, a "slip" containing an authentic account of the massacre of a portion of the immigration to this country, in the vicinity of Fort Boise, by a band of Snake Indians. The writer, Mr. Orlando Humason, whom you well know, is a gentleman of the highest integrity, and his statement may be relied upon implicitly.

The news of this distressing occurrence, has occasioned deep feeling in the hearts of the community. A U. S. force, under the command of Major Haller, of the 4th infantry, and one company of volunteers, commanded by Nathan Olney, Esq., are now in pursuit of the murderers, having engaged in the expedition, upon the reception of the news at the "Dalles," with a promptitude the most gratifying and commendable. It is very much to be hoped that it may be in the power of the authorities to inflict upon the perpetrators of this great outrage, the punishment they so richly merit.

You will do me a personal favor, and your constituents a great service, by calling the attention of the Department of War, to the fact of the necessity of the establishment of a garrison, or military post, at or near "Fort Boise" Were it only kept up during the summer and fall months, while the immigrants are on the road, it would be of incalculable benefit in keeping in check the propensities of the Indians to robbery and violence.

Indeed, I conceive it to be a matter of the chiefest importance that our government should give more attention to this matter of protection and defence, of the annual emigration towards the Pacific. If it be not practicable to afford protection over the entire route, let sufficient forces from the posts at the extremes of the territory, be directed to make summer and fall excursions into the heart of the Indian country, and in the vicinity of the immigrant routes. Are there not posts within the settlements, in this and Washington Territories, the location of which might be changed, with advantage, to the frontier?

My dear sir, with every confidence in your spirit and energy, I leave this matter in your hands; press it with all earnestness and force upon the department, and if need be, upon Congress. The lives of our people must not be sacrificed, when it is in the power of the government to avert it.

Yours, always sincerely,
GEO. L. CURRY,
Acting Governor of Oregon.

By the Acting Governor of Oregon,

A PROCLAMATION;

Whereas, the Snake tribe of Indians, or a portion of them, have committed a most unprecedented outrage upon a party of the immigration, in the vicinity of Fort Boise—unarmed men have been shot down; defenceless women and harmless children, after enduring captivity, have been most barbarously and inhumanly tortured to death;

and in order to aid in protecting future immigration, and to secure the peace of the frontier settlements, it is deemed advisable to chastise the perpetrators of this high-handed offence, by a punishment commensurate with the magnitude of their crime; and whereas, in this view, the force already in the field is judged to be inadequate for complete success,

I have therefore issued this, my proclamation, calling for the enrollment, for six months, unless sooner discharged, of two companies of volunteers, of sixty men each, to be mounted, every volunteer to furnish his own arms and amunition, horse and equipments; the companies to elect their own officers, and report to Brigadier General Nesmith, on or before the 25th instant; one company to rendezvous at Salem, and the other at Oregon City.

Given under my hand, at Salem, this 18th day of Sept., 1854.

GEO. L. CURRY,
Acting Governor of Oregon.

TERRITORY OF OREGON,
EXECUTIVE OFFICE,
Salem, Sept. 19th, 1854.

JUDGE OLNEY—

My Dear Sir:—Upon the receipt of the information which you were so kind as to forward to me, and which is the first and all that has come to me officially, I came to the conclusion to call out a force, and have issued a proclamation to that end, calling for two companies, of sixty men each, one of which to rendezvous at Oregon City, and the other at Salem—to elect their own officers. I shall place the whole force under the command of Gen. Nesmith, and give it all possible dispatch. I am astonished to find myself so deceived in relation to the force already in the field. Capt. Brent certainly gave me to understand that there were sixty U. S. troops in motion for the scene of difficulties, and that your brother's company would probably be augmented to the same number, or thereabout, before reaching the point for action. If I have seemed to hesitate about acting in this matter, it is alone because I have had nothing, until now, that would seem to justify my doing so.

Very respectfully, your obd't serv't,
GEO. L. CURRY,
Acting Governor of Oregon.

TERRITORY OF OREGON,
EXECUTIVE OFFICE,
Salem, Sept. 19th, 1854.

M. M. McCARVER, *Com'ry Gen'l., &c., &c.*—

Dear Sir :—By my hasty note of this morning, you are already apprised that a proclamation has been issued for two companies of mounted volunteers, for the purpose of the chastisement of the Indians who perpetrated the recent massacre near "Fort Boise." Each company will be enrolled for six months, unless sooner discharged, and will consist of sixty men, rank and file, to take the field with the utmost dispatch. Gen. Nesmith will have command of the entire volunteer force, and will be directed to draw upon you for the necessary subsistence.

You will accordingly be pleased to take such steps as will insure against any failure of the necessary supplies that will be required to keep the command in active operations.

In your transactions in behalf of government, you will rigidly study economy, making your contracts on fair and equitable terms only. Inculcate the same upon the minds of all who may be engaged in your department, in order that Congress and the general government may approve our acts, to whom we have to look, for the means to defray the necessary and proper expenses of our undertaking.

Very respectfully, your obd't serv't,
GEO. L. CURRY,
Acting Governor of Oregon.

TERRITORY OF OREGON,
EXECUTIVE OFFICE,
Salem, Sept. 20th, 1854.

GEN. JOSEPH LANE,

Delegate in Congress for Oregon:

DEAR SIR :—Since my letter to you of the morning of the 18th inst., I have received information of an official character, that the force already in the field is quite inadequate for the apprehension or punishment of the perpetrators of the unprecedented outrage in the vicinity of Fort Boise. I have therefore issued a proclamation calling for an additional force of two companies of mounted volunteers. I hope to have this reinforcement in motion for the theater of action by the 25th inst.

Other acts of violence have been committed by the Indians on the other trails into this Territory. A company of volunteers by order of Gov. Davis, made an excursion on the south route, to meet the immigration and protect it from apprehended danger. A small detachment of this command was attacked by a large body of Indians (in ambush on both sides of the road) near the sink of Lost river. On the middle or new route, coming in, as you remember, from Malheur into Lane county, a Mr. Turner's party was attacked, and one man was killed—young Stewart, of Corvallis. I cannot but deplore the necessity that demands the enforcement of measures involving such an expenditure of money. But I beg to assure you that the greatest care will be exercised, and the most rigid economy practised, in the contracting of liabilities. So long as the people of Oregon are left to protect themselves—to punish Indian depredations and repel Indian hostilities—the expenses incident thereto ought cheerfully to be paid by Congress, as I have no doubt but that they will be.

In haste, yours, always sincerely,

GEO. L. CURRY,

Acting Governor of Oregon.

[*Extract from the Journal of "Executive proceedings of the Territory of Oregon."*]

SEPTEMBER 20th, 1854.

John McCraken appointed and commissioned Assistant Quarter Master General.

Geo. K. Shiel, appointed and commissioned Adjutant, and Victor Trevitt appointed and commissioned Quarter Master and Commissary of the forces called into service by proclamation, against the Snake Indians.

TERRITORY OF OREGON,
EXECUTIVE OFFICE,
Salem, Sept. 20th, 1854.

M. M. MCCARVER, *Com'ry Gen'l., &c., &c.*—

Dear Sir :—You will lose no time in sending an express to Vancouver, and the Dalles, to ascertain what amount of arms, ammunition, camp equipage, provisions and other supplies could be obtained at these posts, together with what facilities they will afford for trans-

portation. The substance of your information you will please transmit to me without delay. Perhaps at Vancouver a knowledge might be obtained of what the Dalles could furnish.

Very respectfully, your obd't serv't,
GEO. L. CURRY,
Acting Governor of Oregon.

TERRITORY OF OREGON,
EXECUTIVE OFFICE,
Salem, Sept. 20th, 1854.

COL. JOHN MCCRAKEN, *Asst. Quartermaster Gen'l., &c.*—

Dear Sir :—In order to facilitate the operations of this office, in the matter of sending a volunteer force to act against the Indians, who perpetrated the recent massacre near "Fort Boise," you will proceed with all dispatch to "Fort Vancouver," with a view to ascertain what assistance can be obtained at that post, or Fort Dalles, in the way of munitions of war, camp equipage, and other suppiies pertaining to your department; also, what facilities, if any, could be afforded for transportation.

You will exhibit this letter to Col. Bonneville, in command at Vancouver, and, if necessary, to the heads of the respective departments there, as best to obtain the information you desire, and more particularly the chances of a compliance on their part, to a requisition from this office, for supplies, and aid of the character above indicated.

Very respectfully, yours, &c.,
GEO. L. CURRY,
Acting Governor of Oregon.

MOLALLA GARDEN,
Sept. 22d, 1854,

GEO. L. CURRY, *Governor of Oregon Territory*—

Dear Sir :—I send you by the bearer the two communications I have this moment received by express sent by me to Fort Vancouver, in answer to my letters of enquiry as to what assistance could be relied upon by the Quarter Master and Commissary's department of that place, in aid of the forces now raising in the Willamet valley, under the Governor's proclamation. You will preceive from their

tenor that nothing can be relied on in that quarter, unless the commanding officer at the Dalles should see fit, or take the responsibility to render the assistance called for.

I am, very respectfully, your obd't serv't,

M. M. McCARVER,
Com'ry, Gen. Oregon Territory.

FORT VANCOUVER, W. T.,
Sept. 21st, 1854.

GEN. McCARVER, *Com'y Gen. of Oregon Territory—*

Sir:—Your two notes of the 19th of Sept. have been received.

In answer, I have the honor to state that all the available means of transportation of my department are now in use for the volunteer and regular force that is now in the field; or will be shortly required therefor.

I would state in addition, for your information, that a report of the difficulties above has been made to the Commanding General of this Department, and his orders on this subject are hourly expected.

In the mean time, everything has been done by the commanding officer at the Dalles that he deemed necessary and proper under the circumstances, and I will also say that everything has been done by the different departments for supplying the troops that the means at their command allow.

I am, sir, very respectfully, your most obd't serv't,

THOS. L. BRENT,
Capt. and Ass't. Qr. Master.

FORT VANCOUVER, W. T.,
Sept. 21st, 1854.

To M. M. McCARVER, *Com'ry Gen'l., of O. T., Oregon City:*

Sir:—In reply to your letter of the 19th instant, just received, I have the honor to state, that Lt. Col. Bonneville, the commanding officer of this post, declines issuing any order for furnishing supplies to the companies mentioned in your communication. He directs me to say, that he has official information from the commanding officer at the Dalles, that no more troops are required at present. If, however, the Governor of Oregon finds it necessary to raise two or more

companies, and wishes them furnished with provisions, there is an abundance of supplies at Fort Dalles, which the commanding officer there is competent to issue, when the emergency demands.

I am, sir, very respectfully, your obd't serv't,

JNO. WITHERS,

2d Lieut. 4th Inft., Act'g Asst. Com'y Sub.

ASST. QUARTER MASTER'S OFFICE,
Salem, Oregon, Sept. 22d, 1854.

His Excellency, GEO. L. CURRY:

Dear Sir :—In obedience to your instructions, dated Sept. 20th, to proceed to Fort Vancouver, and endeavor to obtain munitions of war, &c., &c., &c., I have the honor to report that in an interview with Lieut. Col. Bonneville, commander of the post, I was informed that he deemed it necessary to decline co-operating with you in this matter, for the following reasons, viz:

That a detachment of seventy men of his command, had been sent to Fort Dalles, which was deemed by the commander of that post, a sufficient additional force, in the present emergency.

That the depredations had been committed far from the settlements, and the immigration of the present year had already passed that point; there was no probability of a repetition of them; which obviated the necessity of a force being placed immediately in the field.

That he was of the opinion that winter operations in that region, were impracticable—that the government troops would be in the field early in the Spring, and use every means possible, to secure and punish the offenders.

That Gen. Wool, commander of the Pacific Division, was hourly expected; the whole matter would be laid before him on his arrival, and your Excellency immediately advised of his action thereon.

That upon the eve of the arrival of his superior officer, he should not feel justified in furnishing the supplies asked for, especially as he doubted the necessity of the movement, in the present state of affairs; that if greater force was deemed necessary, he had no doubt Gen. Wool would order two companies of dragoons from Fort Lane, upon this service.

All of which is respectfully submitted, by

Your obedient servant,

JOHN McCRAKEN,

Asst. Quarter Master General.

TERRITORY OF OREGON,
EXECUTIVE OFFICE,
Salem, Sept. 22d, 1854.

J. W. NESMITH, *Brigadier General*,
E. M. BARNUM, *Adjutant General*,
JOHN MCCRACKEN, *Ass't Quarter Master General*,

Gentlemen:—Before putting in motion any portion of the expedition which I desire to have undertaken towards a chastisement of the Indians who perpetrated the massacre near Fort Boise, I feel it my duty to propound to you the subjoined questions; to which you will have the kindness to return promptly, a written answer.

Is a winter campaign practicable against these Indians?

Would there be time to strike an effective blow before winter?

In view of the U. S. Military department declining to furnish subsistence, munitions of war, &c., towards fitting out the expedition, is it probable that the people at large could supply these wants in time to get them into the interior before winter?

Your obedient servant,
GEO. L. CURRY,
Acting Governor of Oregon.

SALEM, O. T., SEPT. 22d, 1854.

To His Excellency GEO. L. CURRY, *Acting Governor of Oregon:*

SIR:—In reply to the interrogations contained in your note of this morning, requesting a written opinion on the subject of the contemplated campaign against the Snake Indians; I have to state, that however desirable it may be to punish the perpetrators of the recent massacre of our people, I do not consider it practicable to accomplish that object by making a winter campaign, with the limited resources at the command of the government. My opinion in the matter is based upon my knowledge of the country, occupied by the Snake tribe, and my experience in Indian warfare, together with such reliable information as I have been able to derive from Messrs. Craigie and Johnson, who have resided at Fort Boise for many years. I understand that these Indians, who have for the last few years manifested a decidedly hostile attitude towards the emigration, are predatory tribes, occupying the country from the Grand Ronde to the vicinity of Fort Hall, a distance of some four hundred miles, and that their country extends far to the north and south of the emigrant trail; and that those tribes are divided into small bands scattered

over different portions of this immense region; that they are possessed of but little stock, or property of any kind, which would embarass their speedy movements; their principle reliance for subsistence being upon the fish obtained from the Columbia river during the summer months, which are dried and "*cached*" away for winter uses.

The country inhabited by those tribes being beyond the Blue mountains, and being a sterile, arid region, affords nothing upon which a command could subsist during the winter months, besides the the elevation is so great that snow falls to sufficient, depth, during ordinary winters, to render it impossible to operate against those tribes with any prospect of success, when we take into consideration in connection with those disadvantages the great rigor of the climate, the cold being sufficiently intense as frequently to form ice from three to four feet thick, we must readily come to the conclusion, as to what the effect would be upon a body of hastily raised and illy equipped volunteers, destitute as they must be of all the supplies and appliances, which tend and are necessary to render an army effective in the field. In addition to the other serious obstacles calculated to embarass a winter campaign beyond the Blue mountains, the important fact should not be overlooked, that before a force can reach the enemy's country they will be compelled to perform a march of six hundred miles over an uninhabited desert country, generally destitute of grass at this season of the year, rendering it certain that, when arrived at the point of destined operations, what animals should then be alive would be entirely insufficient for the arduous and continued exertions necessary to overtake and punish a scattered and flying enemy. I apprehend that an expedition against those Indians would be like previous expeditions against the Indians of this country, in which it has been demonstrated that the difficulty consists more in finding than in the killing.

I am aware that many persons honestly entertain the opinion that the winter is the most suitable time to undertake campaigns against the Indians—but with all deference to such, I am compelled to say that my own observations have led me to a different conclusion. It is a fact, in no wise disparaging to white men, that the habits of the Indians are such, as to enable them to subsist on less food, carry on war with less means, and in a mountain country, keep entirely beyond the reach of the white man.

From what information I have been able to obtain, and considering all the disadvantages under which we must labor, I believe the season is too far advanced to organize a force, and reach the enemy's country, in time to render any important service before winter sets in. The contemplated movements partake of the character of an offensive war, in which case it is desirable to ascertain that our resources are equal to the emergency, and to devise means to do as much harm, as practicable, to the enemy, with as little as possible to ourselves. I admit, that a defensive war admits of no such prudential considerations.

In addition to the obstacles which are naturally opposed to the

contemplated movement, it would be well to consider the necessity of the case—that the Indians have committed the revolting outrages charged, no one denies, and that there being no settlements, or emigrants within their reach, it would appear that their power to do further mischief, is, for the present, destroyed.

The officers of the army, I understand, have forwarded what relief they deem necessary, for the present emergency, and decline making a requisition for a greater force, or contributing to the support of those who may be called out. They being on the spot, and having facilities for knowing all the facts, entitles their judgment to respect.

Those Indians being unable to permanently abandon their country, or to subsist without the benefit of their fisheries, it appears to me that the whole question of their chastisement resolves itself into the question as to the proper time to undertake it with a probability of success. My opinion is, that a campaign commenced early in the spring, and continued through the summer, would, in addition to protecting the immigration, accomplish more, with less suffering and expense, and probability of defeat, than could possibly result from a winter campaign. Without going into details, I am free to express it as my opinion, that with the present resources of the territory, and in the absence of any ready money, it would be impossible to concentrate a sufficient quantity of supplies at any point east of the Blue Mountains, on which to subsist an efficient command during the winter. For these reasons, and others which I have not time, at present to urge, I should most unhesitatingly advise against the ordering forward a volunteer force, under existing circumstances.

Doubtless when the whole question, and the reasons which have induced you to countermand your proclamation, is properly understood by the gallant men who have come forward, and offered their personal service with such alacrity, they will be satisfied with your decision, and others will have little reason to complain.

Very respectfully, your obd't serv't,

J. W. NESMITH,

Brigadier General of Militia.

To His Excellency, GEO. L. CURRY, *Acting Governor of Oregon :*

Sir :—I concur in the above opinions, as given by Brig. General Nesmith, to the first and second interrogatories of your communication.

Very respectfully, yours,

E. M. BARNUM.

SALEM, *Sept. 23d*, 1854.

By the Acting Governor of Oregon,

A PROCLAMATION:

Whereas, a proclamation was made on the 18th instant, authorizing the enrollment of two companies of volunteers, for the purpose of the chastisement of the Indians who perpetrated the recent melancholy outrage near Fort Boise—and the U. S. military authorities having put a force in the field, which they deem sufficient, and having declined to co-operate with the expedition, even by furnishing it with the necessary munitions of war for its equipment, and believing that these essentials cannot be procured, nor subsistence and other supplies furnished from the settlements at large, in time to enable the expedition to strike an effective blow before winter will have set in, or to get a sufficient quantity of them transported to so remote a point in the interior, as the scene of the disaster, to make them available for a winter campaign;

This proclamation is therefore issued, while acknowledging the gallantry of those who responded so promptly to the call, that the said enrollment may be countermanded, with the hope that unless the massacre shall have been avenged by the forces already out, the Assembly, at the ensuing session, will take measures to warrant the undertaking so soon as winter shall have passed.

Given under my hand, at Salem, this 22d day of September, 1854.

GEO. L. CURRY,
Acting Governor of Oregon.

TERRITORY OF OREGON,
EXECUTIVE OFFICE,
Salem, Sept. 22, 1854.

M. M. McCARVER, *Commissary General, &c.:*

Dear Sir:—I have received to-day information of an official character in substance of a declination on the part of the military representatives of the U. S., at Vancouver, to co-operate with, or aid me in any manner in fitting out an expedition to punish the prepetrators of the recent massacre near Fort Boise.

Beside this I learn that there is a much larger force already ordered out by Col. Bonneville than I had supposed; sufficient, at least, to strike a decisive blow. Without this co-operation I find it next to impossible to get the expedition in the field in a condition, and situation to be sufficient in a winter campaign.

You will therefore immediately upon the receipt of this counter-

mand so far as may be in your power, the previous action of your Department. My only instruction to you under the circumstances is to do the best for the Territory that you can in the rescinding of contracts, &c.

Very respectfully your ob't serv't,
GEO. L. CURRY,
Acting Governor of Oregon.

TERRITORY OF OREGON,
EXECUTIVE OFFICE,
Salem, Sept. 22, 1854.

COL. W. A. CASON, *Oregon City:*

Dear Sir:—Upon the receipt of this, you will take steps to stay any further enrollment of volunteers for the expedition to the Snake country. I find so many obstacles in the way of the successful accomplishment of the object of the undertaking, that necessity, not choice, obliges me to give it up for the present. A refusal on the part of the military, at Vancouver, to co-operate with me in any way, towards putting the expedition in the field in an effectual manner, is a most important obstacle, as the munitions of war cannot be obtained in our midst, until it would be too late to strike an effective blow before the setting in of winter. I could not think of putting a force in the interior, to remain during the winter, without being, in all respects, in a condition and situation proper under the circumstances.

Very respectfully, your obd't serv't,
GEO. L. CURRY.
Acting Governor of Oregon.

COMMISSARY'S OFFICE,
OREGON CITY, O. T.,
Sept. 24th, 1854.

Dear Sir:—I received your communication of the 22d instant, informing me that in consequence of the refusal of the United States military officers, at Vancouver, to co-operate with you in chastising the Indians engaged in the recent massacre near Fort Boise, and for other reasons, you have deemed it best to countermand your proclamation of the 18th instant, calling out the Oregon militia, &c., &c.,

and instructing me, as far as it was compatible with the interests of Oregon, and those concerned, to countermand the previous contracts made by the Commissary Department of Oregon Territory, &c.

Fortunately for the interests of the territory, after the reception of the two communications by me, (and which I immediately forwarded for your inspection on the 22d instant), one from the acting commissary, and the other from the acting quartermaster at Fort Vancouver, declining to furnish assistance, and the dash of cold water thrown upon your very laudable undertaking, through them, by the commanding officer at that place, I had anticipated a reaction on your part, and so arranged the conditions of most of my contracts as to put it in my power to complete or annul them on the first of the ensuing week, so as to be in time to meet the immediate demands on this department, should that not occur. I had, however, ascertained that sufficient supplies for the subsistence of the two companies called into service by you, could have been furnished in time, and tolerably fair terms, by active operations through the commissary department of Oregon Territory. I had, however, purchased without condition, one hundred head of sheep, of Dr. Tolmie, at six dollars per head. This contract he declines to rescind, without paying him one hundred dollars damage. This I declined, believing that they could be sold to the butcher here, for nearly the amount paid, as they are all fat wethers. One of them I have already slaughtered for the use of this department. I had also purchased, on the same conditions, one horse, bridle and saddle, for ninety-five dollars, and thirty bushel of oats, delivered at one dollar per bushel; hired four men to make contracts for supplies, and the same number of horses; one of the men is yet absent on that business, though I have taken measures to have him re-called. This, with contingent expenses incurred by me, is all that has not been rescinded, unless Mr. Sifers, now out, has made contracts that will require my assistance in countermanding.

I will at a proper time make out and forward you a detailed account of all the liabilities of the Territory by this Department. With regard to countermanding the call for additional forces from the citizens of Oregon Territory, I will not express an opinion, as the responsibility does not rest upon me. But I cannot divest myself of the general opinion that prevails in this community, of the entire incompetency of the fragments of companies of United States Infantry now stationed on the Pacific coast, and particularly in Oregon Territory, to do justice to the injuries and insults now offered to humanity in general, and to this community in particular. These inhuman butcheries were made upon our citizens, and in our Territory, upon persons who have chosen their homes amongst us, and the protection of our municipal regulations, as well as that of the Federal Government. We have a right to claim protection from the General Government; but the laws of God as well as those of nature, forbids that we should stand idly gazing upon such scenes of horror with our hands in fetters with a consciousness at the same time of the utter incapaci-

ty or inability of those in the field to bring it to a speedy and satisfactory termination. There is a fearful responsibility in the defeat of this expedition, that rests somewhere, my earnest desire is that it may not fall upon the head of one who has given so many proofs of his devotedness to the interests of this community.

I am very respectfully your ob't serv't,
M. M. McCARVER,
Commissary Gen'l Oregon Militia.

GEO. L. CURRY,
Act.ng Governor of Oregon.

TERRITORY OF OREGON,
EXECUTIVE OFFICE,
Salem, Sept. 25th, 1854.

THE PRESIDENT OF THE UNITED STATES:—

Sir:—I have the honor to state, that on the 20th ultimo, in the vicinity of Fort Boise, a post of the Hudson's Bay Company, situate some six hundred and fifty miles from this place, and four hundred and fifty from the Dalles of the Columbia river, a party of the immigration, numbering between twenty and thirty souls, were massacred by the We-net Indians, one of the numerous bands of the Shoshones or Snake tribe. The women, after suffering the most revolting treatment, were killed by torture, and the little children of the party burned to death. The first version received of this melancholy news, was, in substance, that the men of the company had been shot down, while engaged in driving their teams, unarmed and unsuspicious of danger.

The receipt of such news at Fort Dalles, caused the officer in charge of that post to despatch a small force of regular troops, with a company of immigrants and citizens of that vicinity, commanded by Nathan Olney, Esq., consisting of thirty-seven men, who volunteered for the service, in pursuit of the Indians. Almost simultaneous, I received the intelligence of the massacre of the women and childen, and information from Mr. Olney, desiring assistance, I therefore issued a proclamation on the 18th instant, calling for the enrollment of two companies of volunteers.

Public feeling had been so intensely excited by this most unprecedented outrage, that I should have been deemed indifierent to the interests of the territory, and the discharge of my duty, had I taken no official action towards the apprehension, or punishment, of the perpetrators of the outrage, and I should have felt myself derelict to the responsibilities resting upon me.

Understanding that there was an abundance of subsistence, mu-

nitions of war, camp equipage, and all the requisites for the outfit of such an expedition at Fort Dalles, it was my hope that through these means, I would be enabled to facilitate the undertaking, so that the force could have gone forward with all possible despatch, and accomplished effective service before the setting in of winter.

I regret to state, however, that the chief in command, at Vancouver, declined the co-operation I had so certainly expected, even to the supplying the munitions of war essential to the equipment of the expedition—alledging, among other reasons, that it was not an emergency that warranted such an enterprise—that the force already out was thought to be quite adequate for the occasion, &c., &c.

No doubt the supplies necessary—subsistence, ammunition, means of transportation, &c., could have been obtained, in time, from the settlements at large, though not soon enough, I was apprehensive, to get the expedition, in an efficient condition, across the Blue Mountains before the period would have elapsed beyond which, travel over these mountains would be extremely hazardous, if not utterly impracticable. Under these circumstances, I was constrained to abandon the undertaking, and the enrollment, which had been responded to in the most gallant manner, was countermanded on the 23d inst., by proclamation.

I feel it my duty to observe that Indian depredation upon life and property, has also been committed, the present season, upon the other two immigrant trails conducting into this valley, and respectfully to submit whether the melancholly occurrences that have befallen the immigration of the present year, do not demonstrate the absolute necessity of the establishment of a military post at some point near Fort Boise, were it only to be kept up during the clement seasons of the year. If this is judged to be unadvisable, it would be well to have detachments from the posts at the northern and southern extremes of the territory, make excursion into the interior, along the immigrant road, as far as Fort Hall, at least, while the immigrants are *en route*, which would have a most salutary effect upon the Indians, and a very great tendency to check their disposition to acts of violence and depredation.

It is very sincerely to be regretted, that the troops at Forts Vancouver and Dalles, instead of the inactive life they have been accustomed to, had not made such excursions the present year, which it is quite probable would have saved us from the appalling calamity which has so shocked our whole community.

I beg to remark, that the people of this territory do not appear to be satisfied that the military force now in the field, is by any means adequate to the emergency, nor calculated to inflict a punishment upon our Indian enemies, commensurate with the magnitude of their crime. Its character, at least, does not suggest such a gratifying belief. With the exception of the few volunteers with it, the detachment is composed of men unacquainted with equestrian exercises, altogether unsuited to the service in which they are engaged, as are the entire forces of Forts Vancouver and Dalles, unadapted to effi-

cient operations against Indians—consisting, as they do, of artillery and infantry detachments—troops of a character more proper to protect a commercial sea-board, than an extensive Indian frontier.

If furnished with the requisite munitions of war, the people of Oregon are competent to protect themselves from Indian aggression, nor do they wish the general government to maintain military posts within their settlements, rather than on the frontier, or in the interior of the Indian country, where such establishments are eminently needed, and where incalculable benefit would be sure to result from the moral effect alone of their existence.

I have the honor to enclose herewith, copies of the proclamations alluded to, and such correspondence as properly pertain to this communication.

I am, respectfully, your obd't serv't,
GEO. L. CURRY,
Acting Governor of Oregon.

TERRITORY OF OREGON,
EXECUTIVE OFFICE,
Salem, Sept. 25th, 1854.

M. M. McCARVER, *Com'ry Gen'l., &c., &c.*—

Dear Sir:—I take this opportunity to tender you my thanks, for the very prompt assistance you have rendered me, in the discharge of your official duties. You will permit me to say that the promptness, energy and zeal displayed by you, in our endeavor to get an efficient force in the field, to chastise the perpetraters of the massacre near Fort Boise, redound highly to your credit, and it affords me pleasure to state, that it was from no want of action and ardent co-operation on your part, at least, that the said expedition failed to be organized.

In due course of time, you will please make a report of your official transactions to this office, to be presented, with other official matter pertaining to the subject, to the Assembly, at its ensuing session, if desired by them.

I am, respectfully, your obd't serv't,
GEO. L. CURRY,
Acting Governor of Oregon.

FORT VANCOUVER,
Sept. 24th, 1854.

Dear Sir :—Participating most deeply in the universal horror, occasioned by the inhuman massacre of our citizens, on Snake river, upon the receipt of your requisition for two companies, by the mail of Friday last, I immediately left home for this post, in order to learn exactly, what had been done, and what was contemplated, for the protection of the immigration still in the mountains, and exposed to the same barbarities. Upon arrival at the post, I learned from the officers that all the force deemed necessary by the officer in command at the Dalles, (Major Raines), had been promptly forwarded from this post, with assurance from the veteran Colonel in command here, (Bonneville), that himself, with all the officers and men, yet remaining at Vancouver, stood ready, upon the first intimation of necessity from Major Raines, to proceed to the exposed region. Col. Bonneville very frankly exhibited to me the correspondence of Commissary General McCarver, and Assistant Quartermaster McCraken, in relation to supplies from this post, addressed to Capt. T. L. Brent, Acting Quartermaster of the post, and responded to by that officer. Col. Bonneville regrets that Capt. Brent did not furnish, with his own reply, a copy of his, Col. Bonneville's, letter to Capt. Brent, setting forth the reasons why supplies called for could not be furnished, a copy of which letter, I have the honor to enclose now, that there may be no misunderstanding in regard to the matter. This letter will show you that the Colonel has not only acted most promptly, but that he has done all that was asked by the officer in command at the Dalles, who is supposed to be in receipt of the earliest information, and most reliable, on account of his proximity to, and constant communication with the Snake river country, and has also signified his readiness to furnish, if called for, additional force. Col. Bonneville will, upon the slightest exigency, furnish you with information requiring your co-operation, and, I am sure, desires, as do all the officers at this post, a most cordial co-operation in every necessary measure, as well for the protection of immigrants, as the punishment of offenders. With this object, (a mutual good understanding), the Colonel forwards this communication by express, and I am sure you will appreciate *it*, as well as my own humble interposition in the matter.

With assurances of my highest regard, and a tender of my very poor services to you, in any capacity in which you may call me, now or hereafter, I am, very sincerely,

Your friend, and obd't serv't,
JOHN ADAIR.

GEO. L. CURRY, *Acting Governor O. T.*

[*Copy of a communication addressed to Capt. T. L. Brent, A. Quar. M. U. S. A., by Lt. Col. B. L. E. Bonneville, commanding at Fort Vancouver, in relation to additional troops, &c.*]

HEAD QUARTERS, FORT VANCOUVER,
September 21*st*, 1854.

Captain:—Yours, of this morning, is just handed me, together with that of the Commissary General, M. M. McCarver. I do not feel, under the circumstances, authorized to deprive this depot of its resources. The facts of the recent murders, &c., have been reported to the Major General, commanding the Pacific Department, and his instructions are expected every moment. The commanding officer at Fort Dalles, has been supplied with all the force asked for, with offers for more if needed. He replies that no more is necessary at present. I suppose he means until the wishes or plans of General Wool are received, and of course, we are expected to be ready to carry them out, the moment they shall be made known to us, retaining all the public resources for this object.

I am, Capt., respectfully, your obd't serv't,
B. L. E. BONNEVILLE,
Lt. Col. Commanding.

TO CAPT T. L. BRENT, *Asst. Quar. M. U. S. A.*

TERRITORY OF OREGON,
EXECUTIVE OFFICE,
Salem, Oct. 10*th*, 1854.

GEN. JOEL PALMER, *Superintendent Indian Affairs, &c., &c.*

Dear Sir:—Reports are in very general circulation, highly prejudicial to the character of the officer in charge of the Hudson's Bay Company's post, Fort Boise—reflecting, as they do, in the severest manner upon his conduct, before and since the melancholy massacre of Americans, near that place, on the 20th of August last, by the We-net Indians.

If you are in possession of any information, or evidence, tending to contradict, or substantiate these reports, will you have the kindness to apprise me of the same.

I beg to enquire whether you have received instructions from the general government, in terms forbidding the Hudson's Bay Company to have trading establishments within the limits of our Territory, and in case of the existence of any such, authorizing you to proceed

against them promptly, in accordance with the requirements of the intercourse law?

I am, respectfully, your obd't serv't,
GEO. L. CURRY,
Acting Governor of Oregon.

CORVALLIS, *Oct. 22d*, 1854.

Dear Sir:—The enclosed copy of instructions to Nathan Olney, who I have appointed special Indian agent, and assigned him to duty in the south-eastern portion of our territory, will indicate my action, and serve in part reply to your inquiry. I have not received official information, confirmatory, or disproving the rumors in circulation, charging those in the service of the Hudson's Bay Company, with selling arms and ammunition to Indians. The only evidence I have, was brought down by emigrants, and I believe the substance of it has been published in the "Standard." One young man affiirmed that he heard the person in charge at Fort Boise, assert that he had sold, and would continue to do so, ammunition to them, but I believe this conversation took place before the massacre. The only instructions given me, in reference to this company's trading establishments, was in a letter from the Commissioner of Indian Affairs, referring me to the instructions given Gov. Stevens, of Washington Territory, which you will find published in the volume of "President's Message, with accompanying documents," of last session of Congress.

Application was made, during the summer, to give orders to prevent them from taking goods into the interior. This, I conceived, we had no right to do, as by the treaty of 1846, they were secured the right to transport goods through the territory, and I doubt our right to interrogate them as to the destination of their merchandise, but if sold in the territory, they would be amenable to our laws.

I have barely time, before the mail closes, to say this much. Mr. E. R. Geary will be at Salem during the week, and will explain further. It was my intention to have come by way of Salem, and had a personal interview, but the rain coming, and my train having started in advance, without being properly guarded against wet weather, induced me to follow the direct route.

I have the honor to be, dear sir, your obd't serv't,
JOEL PALMER, *Superintendent.*

To His Excellency, GEO. L. CURRY,
Acting Governor O. T., Salem.

P. S. I am now on my way to Rogue River, with a view to obtain the assent of that tribe, and the Cow Creek band, to the Sen-

ate's amendment to their treaties, and at the same time, taking out their annuity goods. I expect also to treat with other tribes, in the southern portion of our territory, before returning.

J. P.

OFFICE SUP'T OF INDIAN AFFAIRS,
Dayton, O. T. Sept. 28th, 1854.

Sir:—My letter of the 25th instant, informed you of your appointment as Special Agent, for the Indian tribes in Oregon. I now transmit you such instructions as I deem important, to direct you in the discharge of the duties of your office; very much, however, is confided to your discretion, and your knowledge of the country, and the Indians inhabiting that region, will enable you to act efficiently.

Heretofore, that part of Oregon lying east of the Cascade mountains, and south of the 44th parallel of latitude, has not been connected with any particular district. Our limited knowledge of this extensive tract, and the hostile character of its savage inhabitants, evinced in a long succession of aggressions on the lives and property of our citizens, render it necessary to station an agent among them, and it is therefore assigned you as your district.

The 44th parallel is supposed to cross Snake River at or below Fort Boise, and traverse the Cascade mountains in the vicinity of the Snow Butes, usually known as the Three Sisters.

Ag't R. R. Thompson, in charge of the north-eastern district, will co-operate with you, in existing emergencies, but the duties of his own field, will not permit him to remain long with you.

The hostile attitude of the Indians on Snake river, will, in all probability, require you, if it be practicable, to remain, during the winter in that vicinity. You will co-operate with the military force now in that country, and render every aid in your power, in virtue of your office, to bring the perpetrators of the late outrages to early and condign punishment. At the same time, you will spare no efforts to save those Indians, who are known to be well affected to the whites, from being involved in the retribution provoked by the nefarious deeds of the guilty.

The impunity with which these savages have, for years, robbed and murdered defenceless immigrants, has, doubtless, impressed them with the opinion, that we are weak, or indifferent to the wrongs inflicted on our citizens, and has rendered them more insolent and audacious. They will, therefore, need signal and terrible proof of their mistake in this regard, and this should by no means fail to be accomplished. But, at the same time, all unnecessary sacrifice of human life, should be avoided; and to this end, you will use all possible efforts to ascertain and discriminate between hostile and friendly bands.

The punishment inflicted, should plainly appear to be the dictate of stern justice, rather than of revenge. It should not be forgotten that we are a civilized and christian people, and they savage and ignorant. Women and children should, if possible, be saved, that they may, at the same time, be impressed with a sense of our power, and our humanity. When the innocent and the guilty are punished alike, there is no stimulus to good conduct, but the reverse.

The season is too far advanced to forward you any considerable amount of supplies, or Indian goods, nor do I suppose many will be needed; as your efforts, during the winter, will be directed to the discovery and arrest of offenders, the establishment of friendly relations, and to acquiring such information respecting the country, and its inhabitants, as will be useful in directing our future operations.

The soil, climate, face of the country, course of the streams, the number, location and characteristics of the various bands and tribes, their condition, sources of subsistence, and feelings towards the whites, will be proper objects of inquiry.

It is apprehended that the cupidity of unprincipled white persons has contributed to produce the present state of affairs, and you will be careful to inquire into the grounds of such suspicions, if there be any.

Reports have reached me that persons in the service of the Hudson's Bay Company, at Fort Boise, have, since the late massacre, furnished arms and ammunition to the Indians, receiving in return, money taken by them from our murdered citizens. Should you have good reason to suspect any person, or persons, of such perfidy, you will cause such to be arrested, and sent for trial, and punishment, to the proper authorities. I, (in connection with this subject), suggest the propriety of closing the doors of Fort Boise, as a trading post of the H. B. Company. No license has been granted them, nor do I think it proper to grant license to any one in their service, nor to any one connected in the remotest way with them, now, or heretofore. Such an indulgence is in violation of law, and deemed dangerous to the peace and security of our citizens. Weak minded and ignorant persons in that service, may, from a mistaken idea of interest, or from prejudice, influence the Indians against our citizens; evidences are not wanting that such attempts have heretofore been made.

Wrongs also, in all probability, have been inflicted on the Indians, by some of our own citizens, who, reckless of their own safety, or that of others, commit acts that provoke savage vengeance. When in your power, redress these wrongs, and in return, exact from the Indians, for the injuries they inflict, such reparation as their conduct and circumstances may demand.

I contemplate entering into treaties, during the ensuing season, with all the Indians in Oregon, for the purchase of the country, and their colonization in suitable districts, where they may be instructed in the arts and usages of civilization; and you will accordingly, in your explorations, have an eye to portions suitable for Indian re-

serves, and report fully in regard to them. It may be deemed advisable to locate them in places remote from the white settlements, and the great thoroughfares of immigration. Due regard, however, in all cases, must be had in selecting reserves, to their convenience and accessibility, in view of transporting their stipulated supplies.

A recent visit to Klamath Lake, and information derived from Indians in the vicinity of Toqua Lake, and a stream entering it from the east, induce me to consider that region as affording a desirable location for the Indians of this and Umpqua valley, in addition to the native bands. It may also afford a sufficient extent of agricultural land, to warrant the gathering in the adjacent bands of the Diggers, living east of the Klamath country. The altitude of this region would suggest that the winters might be severe, and yet the frail dwellings of the natives, indicate a mild climate.

It is desirable that the greatest number of bands, at all compatible with their proper government, should be assembled on the same reserve, that a less number of agents, farmers, mechanics, teachers, &c., may be required, and thus the expense economised.

Before any permanent arrangements are made, it is important to ascertain, accurately, the number of men, women and children, in the respective tribes. This will demand your early care, and you will, from time to time, inform me of your progress, adding such other information as you may judge useful. No enumeration of the tribes east of the country of the Klamaths, has ever been made, and the estimate in my annual report, a copy of which is sent you, may prove very erroneous.

You will inform me, at the earliest moment, of the state of affairs in your district, and set forth the kind and quantity of supplies needed, to enable you to act efficiently and promptly.

A blank form of bond, which you will cause to be filled up and signed, is herewith enclosed, and should there be no Territorial officer authorized to administer the oath of office, at hand, Agent Thompson will administer it. You will then transmit it to Judge Olney, for his certificate of the sufficiency of the security, with directions to have it forwarded to this office.

A copy of the Laws and Regulations of the Indian Bureau will be sent you.

JOEL PALMER,
Superintendent of Indian Affairs.

REPORT

Of the Auditor of Public Accounts, made Dec. 12th, 1854.

TERRITORIAL AUDITOR'S OFFICE,
Salem, December 11th, 1854.

To the Honorable the Legislative Assembly of Oregon Territory:

In obedience to the law creating the office of "Territorial Auditor," the undersigned begs leave to submit the following Report:

The amounts received into the treasury during last fiscal year, are as follows:

From	Benton County,	$	318 04
"	Clackamas "		287 50
"	Lane, "		234 74
"	Linn, "		523 41
"	Marion, "		828 01
"	Polk, "		317 42
"	Washingt'n, "		197 29
"	Yamhill, "		163 97
"	Umpqua, "		181 42
		$3,251	80
Amount in hands of the territorial treasurer, at close of last fiscal year, 6th December, 1854,			68 48
Total,		$3,320	28

The amount of warants issued from this office, during the last fiscal year:

1853, Dec. 13,	Philip Gearheart, for services as commissioner on territorial road from Astoria to Willamette valley,	$	52 00
" " 13,	Joseph Jeffers, for do. do.,		52 00

1853,	Dec.	15,	Simeon Hagar, as commissioner to select University Lands,	$250 00
1854,	Jan.	3,	To A. Campbell, for services as prosecuting attorney for 3d judicial district, from 21st August, 1853, to 1st January, 1854,	180 45
"	"	3,	Reuben P. Boise, for services as prosecuting attorney, for 2d judicial district, for the term of six months, from July 1, 1853, to 1st Jan. 1854,	250 00
"	Feb.	1,	Joseph Park, for services as commissioner to locate University Lands,	100 00
"	"	1,	To Arnold Fuller, do do	15 00
"	"	1,	To Jacob Martin, do do	55 00
"	"	1,	To Abram Sulger, as assistant enrolling clerk,	51 00
"	"	1,	Joseph Hunsaker, as per resolution of Leg. Assembly, of Jan. 31, 1854.	15 00
"	"	1,	Thomas Scott, for services as road commissioner, under act of Legislative Assembly of 12th January, 1853,	310 00
"	"	1,	T. W. Wallace, for do do	115 00
"	"	1,	Joshua Elder, for services on territorial road from Astoria to Willamette valley,	105 00
"	"	1,	Finis Miles, for do do	125 00
"	"	1,	Michael McDonald, for do	115 00
"	"	20,	B. F. McLench, for services in bringing the remains of the Hon. S. R. Thurston to Oregon,	219 00
"	"	24,	Isaac Hutchins, for services as per act of Leg. Assembly, 30th Jan. 1854.	372 00
"	Mar.	30,	Wm. J. Herren, for fees as collector of territorial taxes for Marion Co., for 1853,	50 96
"	April	3,	Columbus Simms, for half year's salary as prosecuting attorney for 3d judicial district, from 1st July 1853, to 1st January, 1854,	250 00
"	"	4,	John M. Shively, for services as road commissioner, under act of Legislative Assembly, 12th Jan. 1853,	115 00
"	"	15,	J. G. Baker, for commission on territorial tax for 1853, of Yamhill Co.,	26 50
"	May	2,	J. D. Boon, for fees as justice of the peace, in a cause where the territory of Oregon was plaintiff, and J. B. Greer defendant; dismissed at territory's cost,	31 25

1854,	May	2,	J. D. Boon, for fees as justice of the peace, in a cause where the territory of Oregon was plaintiff, and J. Man defend't; dismissed at Ter'ys cost,	$ 33 00
"	"	8,	A. E. Waite, for fees as Pros. attorney, *pro tem.*, at Nov. term, 1851, district court for Clatsop county,	180 00
"	"	8,	Amory Holbrook, for fees as prosecuting attorney, *pro tem.*, at the April term of the U. S. District Court, Washington county, 1851,	228 00
"	"	11,	N. Huber, for his commission on sale of University Lands,	90 00
"	"	11,	N. Huber, for do do	65 00
"	"	15,	M. G. Kennedy, for taking P. Starr, (convict), from Jackson county to Penitentiary,	324 00
"	June	13,	T. J. Dryer, for printing Pilot commission, in 1850 and 1851,	32 00
"	July	3,	Wm. Purvine, for services as road commissioner, as per act of Legislative Assembly, 17th Dec. 1853,	310 00
"	"	5,	G. K. Shiel, for official services as territorial auditor from 1st Monday of December, 1853, to 1st Monday of April, 1854,	100 00
"	"	6,	S. F. Starr, for services as road commissioner, as per act Legislative Assembly, 28th January, 1854,	54 00
"	"	8,	Hiram Smith, for services as road commissioner, as per act Legislative Assembly, 17th December, 1853,	310 00
"	"	8,	A. Campbell, for one-half year's salary as prosecuting attorney of 3d judicial district, from 1st January, 1854, to 5th July, 1854,	250 00
"	"	24,	S. F. Chadwick, for one-half year's salary as prosecuting attorney, *pro tem*, for 2d judicial district, from 1st January 1854, to 1st July 1854,	250 00
"	"	31,	A. Holbrook, for services as prosecuting attorney, *pro tem.*, at the District court for Clackamas county, September term, 1851,	166 00
"	"	31,	A. E. Waite, for services as prosecuting attorney, *pro tem.*, at the November term of district court for Clark county, 1851,	172 00

1854, July	31,	A. Holbrook, for services as prosecuting attorney, *pro tem.*, at a special term of district court, held March, 1851, Marion county; also at September term, 1851, of the district court of said county,	$174 00
" Aug.	1,	H. A. Johnson, for services as justice of the peace, in case of territory of Oregon *vs* J. Davis *et al.*, also territory of Oregon *vs* Jas. Prichett,	68 27
" "	3,	N. Huber, for commission on sale of University lands,	95 00
" "	8,	G. K. Shiel, for official services as territorial auditor, from 1st Monday in April 1854, to 1st Monday in August 1854,	100 00
" "	17,	Simon Hagar, for services as commissioner to locate University lands,	300 00
" Sept.	1,	Turnbull & Co., for sundries furnished Penitentiary,	47 85
" "	11,	P. P. Prim, for half-years salary as prosecuting attorney for 3d judicial district, from 1st July 1854, to 1st January 1855,	250 00
" "	11,	Joseph Sloan, for services as keeper of Penitentiary, and boarding of convicts,	686 44
" "	11,	Finice Caruthers, for house rent and lot for confining convicts, and adding cell,	120 00
" "	11,	Read & Company, for sundries furnished Penitentiary,	31 25
" "	16,	R. P. Boise, for services as prosecuting attorney, 1st judicial district, from 1st January 1854, to 1st July 1854,	250 00
" "	19,	A. Bush, for Territorial printing, from August 1852, to July 1854.	110 00
" Oct.	14,	Joel Willis, as per act of Legislative Assembly, 3d January 1854,	100 00
" Nov.	8,	N. Huber, for commissions on sale of University lands,	135 00
" "	24,	J. D. Boon, for official services as territorial treasurer,	192 64
" "	24,	J. D. Boon, for balance of account for official services for last fiscal year,	106 77
" "	28,	Joseph Sloan, for work done, and sundries furnished Penitentiary,	219 20

1854, Nov. 28,	L. Anderson & Co., for sundries furnished Penitentiary,	$ 90 26
	Total,	$8,387 84

Estimate of revenue for the next fiscal year:

Benton County,	$ 966 52
Clackamas, "	1,315 29
Clatsop, "	266 96
Coos "	160 74
Douglas "	632 50
Lane "	967 05
Linn "	575 17
Marion "	1,675 78
Polk "	1,062 58
Tillamook "	10 98
Washingt'n "	2,047 06
Yamhill "	1,159 13
Umpqua "	464 28
Total,	$11,304 04

Since Wasco and Columbia counties were organized, during the present year, and Jackson county having never returned an assessment roll to this office, it is beyond definite calculation to estimate how much they will increase the above amount, when forwarded.

Estimate of expenditures for the next fiscal year:

Salaries of prosecuting attorneys,	$1,500 00
Expenses of treasury department,	750 00
Salary of territorial librarian,	250 00
Total,	$2,500 00

Other expenditures might, with facility, be suggested, but it is believed they would add more to the volume of this report, than assist judicious legislation.

Whole amount of appropriations made by law during last fiscal year:

For	relief	of	Joel Willis,	$ 100 00
"	"	"	B. F. McLench,	219 00
"	"	"	Isaac Hutchins,	372 15
"	"	"	Joseph Hunsaker,	15 00
"	"	"	S. F. Starr,	54 00
"	"	"	T. J. Dryer,	32 00
"	"	"	G. D. R. Boyd,	1,133 75

For relief of Polk county,	$ 500 00
Total	$2,425 90
Amount paid on same,	1,524 57
Balance unpaid;	$ 901 33

A full and detailed statement of the public debt:

Balance due Washington county, under appropriation, by act of Legislative Assembly, 28th January, 1853,	$ 405 87
Balance of territorial auditor's warrants, for last fiscal year, unpaid,	6,195 44
Total,	$6,601 31

As to the amount due on warrants, drawn previous to the commencement of last fiscal year, reference may be had to the previous report from this office.

The following duplicate receipts are on file in this office:

From N. Huber, University Land Commissioner,	May 11th 1854,		$ 90 00
" N. Huber,	do	August 3d, 1854,	1,910 00
" N. Huber,	do	notes and mortgages amounting to	816 37
" N. Huber,	do	Nov. 6th, 1854,	4,200 00
" N. Huber,	do	note and mortgages amounting to	1,756 86
Total,			$8,773 25

By joint resolution of the Legislative Assembly, passed last session, the auditor and treasurer were authorized to obtain a fire-proof iron safe, each, for their several offices, the costs of the same not to exceed $200 each. The undersigned would respectfully state that the sums allowed, would not purchase such safes as, in his opinion, would be suitable for the purposes contemplated. He would therefore, respectfully suggest an additional appropriation of one hundred dollars, for the safe for his office.

Recapitalation:

Amount remaining in treasury at the commencement of past fiscal year,	$ 4 28

Amount received into treasury during past fiscal year,	$3,251 80
Total,	$3,256 08
Amount paid out during said time,	3,187 14
Balance in hands of treasurer,	$ 68 94

From an examination of the revenue estimate for 1855, which is based upon the assessment rolls of the counties therein mentioned, and now on file in this office—with the exception of Linn, which is taken from the assessment roll of 1853—and, comparing it with the public debt, it will be seen that the territory, under a continuance of a sound and judicious legislation, such as distinguished the policy of the legislature of 1853–4, will not only be free from the incubus of a territorial debt, but that the present, to some extent, onerous taxation, will be greatly diminished.

During the past year, there were presented at this office, for auditing, a very considerable number of accounts, for services, and work, &c., performed upon the territorial road from Astoria to the Willamette valley. From their aggregate amount, (it being several thousand dollars)—the amount of funds in the treasury being inadequate to meet these demands, even if they had been allowed, after a full examination of the parties—I have assumed the responsibilty of referring them to your honorable body, for their final settlement, under a strong conviction that such a course can in no ways prejudice their rights or interests.

All of which is respectfully submitted,

GEO. K. SHEIL, *Territorial Auditor.*

REPORT

Of the University Land Commissioner, made Dec. 11th, 1854.

To the Legislative Assembly of Oregon Territory:

In compliance with the act "creating the office of commissioner to control, protect and sell" the University lands of the Territory, "and to define his powers and duties," I beg leave to submit the following report:

In entering upon the discharge of my official duties, soon after the close of the last session of the Legislative Assembly I immediately proceeded to gain all possible information in regard to the University lands of the Territory. It appeared that the board of commissioners appointed to select the two townships of land granted by Congress for University purposes had made three several reports to the Surveyor General, dated respectively, June 24th, October 8th, and December 2d, 1853, therein designating certain lands selected. These reports remained on file in the office of the Surveyor General, but that officer had not yet designated the tracts approved by him according to law. Upon calling the attention of the acting incumbent of that office to the subject, he directed an examination of the reports, and, under date of March 10, 1854, furnished statements of such tracts of land located as he was enabled to approve, amounting in the aggregate to 17,983 55-100 acres, leaving 5,956 45-100 acres to be located, to make the quantity of one township, (23,040 4-100 acres,) granted south of the Columbia river.

Being in possession of the necessary information, I proceeded to the vicinity of the lands approved, where it was made known that a number of trespasses had been committed by cutting and removing timber. So far as the persons committing these trespasses could be ascertained, they were informed of the requirements of law in such cases, and thus far all difficulties of this nature have been amicably adjusted by such remuneration as could be agreed upon according to the particular circumstances of each case. Whilst

the satisfaction paid may not have been fully commensurate with the actual damages sustained, yet the unavoidable expenses attending a series of law suits would probably have more than overbalanced the damages recovered. This mode of settling such cases, however, tend to make them, to some extent, a personal matter between the commissioner and accused, and hence not likely to be adopted in future. To the end, therefore, more effectually to prevent the commission of similar acts, I would respectfully submit that section eleven, chapter two, of the "Act relating to common schools and school lands," making it an indictable offence to trespass upon school lands, be made applicable to University lands by legislative enactment.

It was also found that a number of persons had settled upon certain of the University lands. The attention of these parties, and also the board of commissioners by which the lands were located, was called to the facts. After an investigation of the whole matter, the board, owing to existing doubts in regard to the legality of the reports of October 8th and December 2d, and the importunities of the claimants and their counsellors, relinquished the disputed tracts of land, in the selection of June 24th, and made a new and formal return of the unclaimed tracts included in the reports of October 8th and December 2d to the Surveyor General, on the 18th day of May, 1854, which was approved by that officer August 31st, 1854. The board also subsequently made returns of lands located, estimated sufficient in quantity to complete one township; but, of the tracts contained in these reports, and approved by the Surveyor General, the commissioner has not been able to procure a statement, although the same has been due for some length of time, and frequent applications made therefor.

The conflicts in relation to the lands having been adjusted, I proceeded, in compliance to the requisitions of the act of January, 1853, directing a sale of not less than one-fourth of a township of these lands, having given the legal notice to offer at public sale, on the first day of August, 1854, certain tracts. No price being fixed by law upon the lands, a due regard for the interests of the University fund required that the lands should not be disposed of at rates much below their average value, and the commissioner, having by law "full power and control of all lands, and the proceeds thereof," donated for University purposes, fixed the *minimum* price at $2 50 per acre, which, though probably productive of dissatisfaction with some of those desirous of purchasing for speculation, has clearly appeared as a necessary restriction. It is therefore respectfully submitted that a *minimum* price should be fixed by legislative enactment. The law authorizes but two conditions of sale—cash in hand, or a credit of one year, by purchaser giving bond with security and a mortgage on the land, with seven per cent. interest. The terms were accordingly fixed at one-half cash, and one-half in one year.

Having given the legal notice, I also offered, on the second day of

November, 1854, an additional portion of lands upon the same terms as before. The result of these two sales is as follows:

Number of acres sold August 1st,	986 53-100
Number of acres sold November 2d,	2,446 97-100
Total number of acres sold,	3,433 50-100
Cash received on sales of August 1,	$1,940 84
Cash received on sales of November 2,	4,406 86
Total amount of cash recived on sales,	$6,347 70
Amount of securities on sale of August 1,	$816 37
Amount of securities on sale of November 2,	1,756 86
Total amount of securities on sales,	$2,573 23
Total proceeds of two sales,	8,920 93

Of the lands disposed of, 337 24-100 acres sold at $3 50 per acre, and the balance at the minimum price of $2 50 per acre.

The mortgages taken to secure deferred payments upon purchases, have been deposited with the territorial treasurer, as required by law, and in consideration of the expense necessarily attendant upon procuring the recording of these mortgages, in the various counties in which the lands are located, it is respectfully suggested that provision be made, by which the filing with the territorial treasurer shall have the same force and effect, as recording in the several counties. Observation has demonstrated that no advantage is to be derived to the University fund, by giving a credit for a portion of the purchase money, and (unless otherwise directed), the present commissioner will make any future sales exclusively upon cash terms, thereby avoiding expenses of mortgages, collections, &c., as well as possible losses. This rule would probably not be applied in the sale of town property, on the "Oregon City claim;" the provision of the law giving a credit seems, from good reasons, to have been made with special reference to that portion of the University lands.

The late legislative assembly having passed a memorial, praying Congress for further legislation in regard to the "Oregon City claim," I deferred action in regard to that portion of the University lands, until a sufficient time had elapsed, after the adjournment of Congress, to learn the result of the legislation by that body, pertaining to University lands in this territory.

No change having been made, so far as relates to that claim, I have endeavored to procure the necessary plats and data of the claim and city, which I have been enabled to do but recently. It is contemplated, unless interposed by law, to take measures at an early day, as now provided by law, in relation to the disposition of this claim, and as litigation is quite probable to arise, the necessity of authorising the employment of counsel, is respectfully suggested, no

such authority now existing, and applications to competent counsellors for their services, have been, consequently, declined.

The following statement shows the condition of my account with the University fund:

Total amount of proceeds of two sales,	$8,920 93
Cash collected from trespassers,	140 00
Total receipts,	$9,060 93

By deposits with territorial treasurer, as per duplicate receipts filed, to wit:

Cash	deposited	May 11, 1854,	$ 90 00
"	"	Aug 3, "	1,910 00
"	"	Nov. 6, "	4,200 00
Securities	"	Aug. 3, "	816 37
"	"	Nov. 6, "	1,756 86
Total deposits,			$8,773 23
Balance against commissioner,			$ 287 70

The law provides that the territorial auditor shall audit the account of the commissioner for his per diem, and that all other expenses, &c., shall be audited by the legislative assembly. Sundry legitimate expenses have been incurred, which will be the subject of action by the present legislative assembly. These allowances having been made, I will have the proper data and vouchers to enable me, at the close of the first year of my services, February 1st, 1855, the proper time also for making the next quarterly return, to balance my account with the fund. The amount due me for services last quarter, (which has been audited), as well as that accruing the present quarter, remains unpaid.

The duties of the commissioner necessarily require that he should be familiar with the locality and other particulars of the land; hence it may be a question worthy of consideration, whether a proper economy would not dictate that the duty of locating the additional townships of land, should be imposed on the land commissioner. The past transactions, in this respect, appear to warrant this suggestion.

All of which is respectfully submitted.

N. HUBER, *University Land Com'r.*

REPORT

Of the State House Commissioners, made Dec. 13th, 1854.

The Commissioners appointed to superintend the erection of the Public Buildings at the seat of government, respectfully submit the following report: showing

1st, Their action in the premises.

2d, The amount of expenditures incurred in building the Capitol to this date.

3d, And an estimate of expenditures to complete the same.

When the present commissioners entered upon the discharge of their duties, 25th of February, 1853, and received from their predecessors the books and papers connected with the business of their office, they found a contract made and entered into with Chas. Bennett, for the construction of the foundation walls, at $21 per perch.

The work of the foundation, as it now stands, was finished by that contractor, 25th July, 1853, and the measurement of the work, (extending from three to four feet below the surface of the ground), was 438 perch, 12 1–4 feet, amounting at the contract price to $9,213 87. From that sum, $300 was retained for some defective and unfinished work.

The plan of the commissioners to erect the buildings of stone, in the Ionic order of architecture, by resolution of your honorable body, passed January 30th, 1854, was changed to wood, and "the style of architecture, to that of Grecian Doric."

The contract for the carpenter and joiner work of the building, (excepting the four Doric columns), was let to Wm. H. Rector, April 1st, 1854, for the sum of $14,940.

The contract for lathing and plastering, was let August 14th, 1854, to Willie Chapman, at $1 29 per square yard.

The contract for painting, sanding and glazing, was let August 14th, 1854, to Cox & Palmer, for the sum of $1,799.

Amount of Expenditures, for which drafts have been drawn upon the Governor:

1853. July,	To Chas. Bennett, for work on foundation, 438 perch, 12 1-4 feet, at $21 per perch, (less by $300 retained as above,			$	8,913 87
" Dec.	To Ferguson & Montgomery, per order of former board, for drafting plans and specifications in 1852,				250 00
" "	To Asahel Bush, for printing for former commissioners, in 1852,				48 00
" "	To Jno. O. Waterman,	do	do		34 00
" "	To Wilie Chapman, for clearing away rubbish, grading and casing stone walls,				30 00
" "	David Newsom, for 780 feet of lumber to case foundation walls during winter,				23 40
" "	A. W. Ferguson, for drafting plans, specicifications, and detailed drawings, in Ionic order,				100 00
" "	Asahel Bush, for advertising in 1853,				18 00
" "	Jno. O. Waterman,	do	do		20 00
" "	T. J. Dryer,	do	do		12 00
" "	To Alvis Kimsey, 14 days services as commissioner, to Dec. 13, 1853,				70 00
" "	To A. W. Ferguson, 28 days	do			140 00
" "	To E. M. Barnum, 61 days services as commissioner and superintendent, to Dec. 13, 1853,				305 00
1854, Mar.	To A. W. Ferguson, for drafting plans, specifications and detailed drawings in Grecian Doric order of architecture,				150 00
" May,	Wm. H. Rector on his contract of April 1, 1854,		$1,000		
" June,	Wm. H. Rector,	do	do	3,000	
" July,	do	do	do	1,600	
" Aug.	do	do	do	2,000	
" Sept.	do	do	do	1,800	9,400 00
" June,	A. L. Caldwell, for replacing defective stone in water-table,				90 00
" Aug.	James Strang, for tinning return cornices, and putting up tin valleys on the rake of cornice,				86 40
" Sept.	A. Bush, for printing blanks, specifications and advertising proposals in 1854,				67 00
" Nov.	C. A. Reed, for painting sign, &c., 1853,				15 00
" Dec.	Wm. H. Rector, for putting in oak door sill in foundation, at front entrance,				35 00

1854, Dec.	James Strang & Co., for four tin ventilators for stove flues,	$	15 00
" "	Jos. Latshaw, for surveying State-house ground in 1853, and determining the exact lines for excavations of foundation walls,		25 00
" "	C. A. Reed, for priming cornice, before painting contract was let, 34 squares, at $1 50,		51 00
	Total amount of drafts drawn on the Governor to Dec. 13, 1854,		$19,898 67

The amount of liabilities to Contractors are as follows :

To Wm. H. Rector, balance on contract of April 1, 1854,		$	5,540 00
To Wilie Chapman, plastering contract, estimated 2,650 yards, at $1 29 per yard,			3,418 50
To Cox & Palmer, painting contract,			1,799 00
To Chas. Bennett, amount retained as above,	$300 00		
Less paid A. L. Caldwell for repairing water table,	$90		
Less paid Wm. H. Rector for oak door sill,	35		
Less incurred by Board,	50	175 00	125 00

The following sums are due Commissioners :

To Alvis Kimsey, 10 days services as commissioner from Dec. 13, 1853 to Dec. 13, 1854,		50 00
A. W. Ferguson, 104 days services as commissioner from Dec. 13, 1853, to Dec. 13, 1854,		520 00
E. M. Barnum, 167 days services as commissioner and superintendent, from Dec. 13, 1853, to Dec. 13, 1854,		835 00
Total amount of liabilities to Dec. 13, 1854,		$12,287 50

Amount of estimated expenditures to complete the Building :

Estimated cost of portico foundation of stone, 51 perch, at $21 per perch,	$1,071 00
Estimated cost for floor of portico, and steps to same, and side entrance,	500 00
Estimated cost for four Grecian Doric columns,	1,600 00

Estimated cost for entire inside finish for halls and library, rostrums, railings, tables, desks, &c., &c.,	$2,000 00
Estimate for contingent expenses, drains for water-spouts, painting columns, steps, &c.,	2,642 83
Total,	$7,813 83

Recapitulation :

Amount of expenditures, for which drafts have been drawn upon the Governor,	$19,898 67
Amount of liabilities at date, (estimated)	12,287 50
Amount estimated to complete,	7,813 83
Total,	$40,000 00
Amount estimated for dome,	$ 5,000 00

Herewith are transmitted plans, detailed drawings, and copies of specifications.

All which is respectfully submitted.

E. M. BARNUM,
A. W. FERGUSON, } *Commissioners.*
ALVIS KIMSEY,

REPORT

Of the Willamette Falls Canal, Milling and Transportation Company.

To the Honorable the Legislative Assembly of Oregon Territory:

The undersigned, Acting Agent and Superintendent of the Willamette Falls Canal, Milling and Transportation Company, and one of the directors thereof, in compliance with the requisitions of said company's charter, herewith report to your Honorable Body, as follows:

That the actual cost of all improvements made, constructed and used under said charter, for the transportation of goods, merchandise and freight over said Falls, as near as the same can be estimated, is—

1st. For constructing the dam, quarrying and laying stone, buying plank, spikes, getting out and laying timbers, and all the labor necessarily performed upon and connected therewith,	$40,409 15
2d. Building warehouse, and expense of machinery therein used in hoisting,	9,367 74
Making aggregate of actual cost,	$49,776 89

The foregoing is exclusive of the cost of other improvements made, and outlays incurred, by said company.

It is impossible to report the expenses necessarily incurred in the management of the company's business, together with the entire receipts arising from transportation and hoisting of goods, freight, &c., by reason of repeated calamities to said company, well known to all, and which have prevented the doing of anything hardly worth reporting. The undersigned can, however, confidently report that said expenses necessarily incurred have amounted to everal thousand dollars, while the income therefrom has not exceeded four hundred dollars.

The undersigned would further report that the directors of said company, besides himself, are not within the Territory, and are not cognizant of the expenses incurred in the construction of said improvements, and the cost of managing the same. He therefore prays that this report may be received and accepted by your Honorable Body as a sufficient conformity by said company to the obligations of its charter.

DANIEL H. FERGUSON,
Agent and Director.

Territory of Oregon, Washington county, ss.

Daniel H. Ferguson, whose name is signed to the foregoing report, personally appeared before me, and having been first duly sworn, made oath and said, that the facts set forth in said report, by him made and subscribed, on behalf of the Willamette Falls Canal, Milling and Transportation Company, are true to the best of his knowledge and belief.

Subscribed and sworn before me this 8th day of December, 1854.

M. R. BARNUM,
Justice of the Peace.

REPORT

Of the Commissioners to erect the Territorial University.

To the Honorable the Legislative Assembly of Oregon Territory:

The Commissioners for constructing the Territorial University report as follows:

That, on the 14th day of June, 1854, at Corvallis, late Marysville, in Benton county, James A. Bennett, John Trapp, and John S. McIteeny, were duly qualified and organized, by electing James A. Bennett acting commissioner, and John S. McIteeny secretary of the board. That Joseph P. Freidley, having tendered to the board a donation of five acres of land, situated three-fourths of a mile from Corvallis, for a site for the University, the board, after a careful examination of the locality, and finding the land well adapted to its intended object, unanimously accepted the donation, and took from said Freidly a bond, in the sum of fifty thousand dollars, conditioned to give a valid conveyance of said premises for the purpose aforesaid, provided the University should remain at Corvallis, on his receiving title. That, on the 17th of July, the board gave notice, as required by law, that they would receive proposals until the 28th day of August the next for the delivery of one hundred and twenty perch of stone and two hundred thousand brick, on the before named site for the University, such delivery to be completed on or before the 28th of November, 1854; the contracts for which were awarded to James Kinney, he being the lowest bidder who appeared to give bond, as required by law, and articles of agreement duly made with him therefor—the stone at $7 90 per perch, and the brick at $19 40 per thousand. That said Kinney has delivered the stone in pursuance of his contract, and ninety-five thousand and ninety one brick, but failed to deliver the remainder of the brick of the quality required by the contract. That the stone and the brick delivered are now on the said University site, and proper care has been taken to protect the latter from the weather, by stacking and covering.

That the following account exhibits the expenditures made by the board:

To James Kinney, for 120 perch stone at $7 90,	$ 948 00
" " " for 95,091 brick at $19 40,	1,844 76
John Murry, for 12 1-2 days work, at $100 per month, stacking brick, &c.,	48 07
1-4 day of team, and 2 hands, delivering lumber to cover brick,	2 37
1,200 feet lumber, at $23 50 M.,	37 00
Paid Statesman newspaper for publishing notice,	7 00
Amounting to	$2,877 20

All of which has been paid in drafts of the board upon the Tertorial Treasurer.

That no provision having been made by law for the payment of the board, they annex the accounts of the several members, and respectfully represent that they be paid.

Territory of Oregon University Fund,

To the board of commissioners, Dr.

To James A. Bennett, acting commissioner, for 27 days' attention at meetings of the board and superintending delivery and acceptance of stone and brick, at $6,	$162 00
To John Trapp, to 9 days attending meetings of the board, at $6,	54 00
To John S. McIteeny, for 15 days attendance at meetings of board, and for duties as sec'y, at $6,	90 00
Cash paid for drawing Friedley's bond and articles of agreement,	10 00
Cash paid for books and stationery,	8 00
	$108 99

All which is respectfully submitted.

JAS. A. BENNETT, *Pres.*

JOHN S. McITEENY, *Sec'y.*

REPORT

Of the Territorial Librarian, made Dec. 11th, 1854.

To the Honorable Legislative Assembly of Oregon Territory:

In pursuance of law, the Librarian of said territory herewith begs leave, most respectfully, to submit his annual report. The general condition of the library is the same as at the time of making the last annual report of said library. A few accessions have been made to the number of books, by donations of the statutes, journals, and court reports of the various States and Territories of the Union. An appropriation of five hundred dollars was made at the last session of Congress, for the purpose of supplying deficiencies in said library, but no books purchased by such fund, have yet come to the territory.

The appended catalogue contains a list of all books now in the Library of the Territory.

Respectfully submitted,
MILTON SHANNON,
Territorial Librarian.

CATALOGUE.

MISCELLANEOUS WORKS.	Vols.
Adventures of Talmachus, by Hawkesworth,	1
American Rifle, by Chapman,	1
Angler's Guide,	1
Astronomy, by Herschel,	1
Angler complete, or contemplative man's recreation, by Walton,	1
Aspects of Nature, by Humboldt,	2

MISCELLANEOUS WORKS. Vols.

Antiquities of the Jews, by Brown,	2
Administrations of the Presidents, from Washington to Polk, by Williams,	2
American Revolution, by Hinman,	1
Antiquarian Researches, a history of the Indian wars, by Hoyt,	1
American Practice and Family Physician,	1
Anatomy and Surgical Treatment, by Cooper,	1
Anatomy, by Andrel,	2
Agriculture in Europe, by Colman,	2
Animal Kingdom, by McMurtrie,	4
Amenities of Literature, by D'Israeli,	2
Anatomy and Histology, by Horner,	2
Anatomy, by Harrison,	1
Ancient Egyptians, by Wilkinson,	5
Astronomy, by Olmsted,	1
American Ornithology, by Wilson,	3
Army of the United States, by Frost,	1
Biblical Researches, by Robinson,	3
Botany, by Beck,	1
Bible and Gipsies in Spain, by Barrow,	1
Biblical Archology, by Upham,	1
Botany Class Book, by Wood,	1
Book of the World, by Fisher,	2
Bible not of Man, by Spring,	1
Burke's Works,	3
Beauties of Architecture, by Lafevers,	1
Book of Nature, by Good,	1
Book of Religion, by Haywood,	1
British Essays, by Johnson,	1
do do by Steele,	1
do do by Addison,	1
Biblical Legends, by Weil,	2
Bunyan's Works, (complete),	
Birds of America, (pamphlets),	105
Common Prayer,	2
Constables' Guide,	1
Cousin's Psycology,	1
Conquest of Mexico,	3
Coal, (statistics of,) by Taylor,	1
Conquest of Peru, by Prescott,	1
Constitutional Convention of New York, 1846,	1
Curiosities of Literature, by Griswould,	1
Channing's Works,	6
Chemistry, by Knapp,	2
Chemistry Applied, by Moffatt,	1
Campaign in Russia, by Labaum,	1
Captivity of Napoleon,	1
Colonies of the British Empire, by Martin,	10

MISCELLANEOUS WORKS.	Vols.
Character of Woman, by Mrs. Jamison,	1
Commerce of the Prairies, by Mrs. Gregg,	1
Civil Engineering, by Squanzin,	1
Carthagenians, Ethiopians and Egyptians, by Herren,	4
Chemistry, by Turner,	1
Cyclopedia of English, by Chalmers,	1
Classical Library,	
Civil Engineering, by Mittingham,	1
Causes, Effects and Cures of Intemperance, by Grendrod,	1
Cyclopedia for the diffusion of Useful Knowledge,	27
Doniphan's Expedition, by Hughes,	1
Damascus and Palmyra, a journey to the East, by Addison,	2
Diversions of Perly, by Took,	2
Don Quixotte, by Jarvis,	1
Dictionary Commercial, by McCulloch,	2
do Biographical, by Blake,	1
do Farmer's, by Gardiner,	1
do Webster's,	1
do (by Cabinets), of the Holy Land,	1
do of Arts and Manufactures, by Ure,	1
do of Greek and Roman Antiquities,	1
do by Ainsworth, English and Latin,	1
do French and English, by Flemming & Tibbatts,	1
do English, by Johnson,	2
do Surgical, by Cooper,	1
do Medical, by Hooper,	1
Debates in the Massachusetes Convention,	3
Diplomatic and Official Papers of Webster,	1
Eccentric Biography,	1
Eminent Mechanics, by Howe,	1
Encyclopedia Americana, Sciller,	13
Expedition to Borneo, by Repple,	1
Early settlement of the Northwest, by Burnett,	1
English Literature, by Chateaubrand,	1
Elements of Logic, by Wheatley,	1
Encyclopedia of Cottage, Farm and Villa Architecture, by Loudon,	1
Essay on Human Understanding, by Locke,	1
English Prize Essays, by Oxford,	5
Elements of Physiology, by Mullen,	1
Ethical Philosophy, by McIntosh,	1
Elements Geology, by Lyle,	2
France under Louis Philippe, from 1830 to 1840,	2
First Lesson in Geology, by Mantell,	2
Family Monitor, by Mrs. Ellis,	1
Family Library,	
Ferdinand and Isabella, by Prescott,	3
Great Awakening, by Traly,	1

MISCELLANEOUS WORKS.

	Vols.
Glory of America, by Thomas,	2
Generals of the Last War, by Jenkins,	1
Geography of the Heavens, by Dick,	1
Glossary of Architecture, by Parker,	1
Geology and Mineralogy, by Buckland,	2
Guide for Writing Latin, by Taylor,	1
Geology, Rudiments of, by Taylor,	1
Geography, by Malta Brun,	8
History of Indian Wars, by Drake,	1
do of the United States, by Hoel,	1
do of Thirty Years War in the Netherlands, by Schillers,	1
do of the Florida Wars, by Sprague,	1
do of Maryland, by Quincy,	1
do Documentary, of New York, by O'Calaghan,	2
do of Calomel, by Graham,	2
do of the Peninsular War, by Napier,	1
do of Natural Library, complete,	1
do of Rome, by Neihube,	2
do of the French Revolution, by Thiers,	4
do of the Quakers, by Jewell,	2
do of England, by Macauley,	2
do of His Own Times, by Burnett,	1
do of France, by Busey,	2
do of England, Pictorial, by McFarland,	3
do Ancient and Modern, by Maunder,	2
do of Connecticut, by Barber,	1
do of Greece, by Thirwall,	2
do of Rome, by Ferguson,	1
do of Massachusetts, by Barber,	1
do of the Reformation of Germany and Switzerland, by D'Aubigne,	1
History of Napoleon, by Vernett,	1
do of Rome, by Arnold,	1
do of the Girondists, by Lamartine,	1
do of Mirabeau,	1
do of the Jesuits, by Steinmetz,	2
do of the North American Indians, by Catlin,	2
do of Louisiana, by French,	1
do of Literature, by Menzel,	3
do of China, Gutzlaff,	2
do Anglo-Saxon, by Turner,	3
do of the World, Sacred and Profane, by Shuckford,	4
do of the Old and New Testament, by Prideaux,	2
do of Oregon and California, by Greenhow,	3
do of New York,	1
do of Civilization in Europe, by Guizot,	4
do of American Theatre, by Dunlap,	1

MISCELLANEOUS WORKS. Vols.

History of Politics, Intercourse and Trade of the Carthaginians, Ethiopians and Egyptians, by Herren, 2
History of Greece, by Mitford, 8
do of Harvard University, 2
do of Constitutionel, 1
do of Roman Reformation, 3
do Natural, by Goodman, 2
do Universal, Ancient and Modern, by Mavor, 25
do of the Puritans, by Neal, 2
do of the Eighteenth Century, 6
Humboldt's Description of the Universe, 2
Horn, on the Psalms, 1
Household Verses, by Barton, 1
Hydraulics and Mechanics, by Ewbanks, 1
Historical Gallery, by Hoyt, 2
do Essays, by Thiers, 1
Horse Farrier, by Youatt, 1
Imitation of Christ, by Kempis, 1
Iceland, by Henderson, 1
Institutions of Natural Law, by Rutherford, 2
Introduction to the Holy Scriptures, by Hoen, 1
Information for the People, by Chalmers, 2
Instruments, Treatise on, by Simms, 1
Jefferson's Correspondence, 4
Letters from Abroad, by Mrs. Sedgewick, 2
Lives of the Necromancers, by Goodwin, 1
Life of Luther, by Mitchell, 1
do of Marion, by Weems, 1
do of Walter Raleigh, by Thompson, 1
do of Harrison, by Burr, 1
do of Franklin, by Sparks, 1
do of Foster, by Ryland, 1
do and Travels of Simpson, 1
do of Capt. John Smith, by Somers, 1
do of Roger Williams, by Gammell, 1
do of Gen. Scott, by Mansfield, 1
do of William Penn, by Clarkson, 1
do of Livingston, by Sedgewick, 1
do of Bell, by Canning, 1
do of Baron Steuben, by Sparks, 1
do of Washington, by Marshall, 2
do of Hamilton, by his Son, 2
do of Samuel Johnson, by Boswell, 2
do of Lord Chancellors of England, by Campbell, (missing—vols. 1, 2, and 7,) 7
Life of Napoleon, by Vernett, 1
do of Paul Jones, by McKenzie, 1
do of Thomas Arnold, by Stanley, 1

MISCELLANEOUS WORKS.	Vols.
Life of Lord Bollingbroke,	4
do of Lorenzo D'Medici, by Roscoe,	1
do of Benevento Celine, by Himself,	1
do of Brandt, by Stone,	2
do and Speeces of Henry Clay, by Mallory,	2
do of Heber, by his Widow,	2
do of Wesley, by Whitehead,	1
do of Gibbs, by Whitfield,	1
do of Christ, by Fleetwood,	1
do of William Pitt,	1
do of Roscoe, by Hisson,	1
do of Alexander Pope, by Johnson,	1
do of Patrick Henry, by Wirt,	1
do and Times of Silas Wright, by Hammond,	1
Live and Let Live,	1
Literature, French, by Stoughton,	1
Letters to Mothers, by Sigourney,	1
do and Speeches of Cromwell,	2
Lord's Ministry, by Haines,	1
Literature, by Walpole,	4
do of Europe, by Hallam,	6
Lexicon, by Leverette,	1
Levelling, Treatise on, by Simms,	1
Literature and Science, by Howitt,	2
Military Art and Science, by Hallock,	1
Manual, by Cushing,	1
Mental Cultivation, by Brigham,	1
Mardi, and a Voyage Thither, by Melvill,	2
Memoirs of Marshal Ney,	1
Middle Kingdom, by Williams,	2
Manual, Statesman's, by Williams,	2
Men of Letters of the Times of George III.,	1
Memoirs of Pious Women, by Burden,	1
Memoirs of the Countess, by D'Garlis,	1
Manners and Customs of Scotland, by Logan,	1
Memoirs of Aaron Burr, by Davis,	2
Mythological Tables, by Dryden,	1
Medical Jurisprudence, by Taylor,	1
do do Beck,	1
Manual of Chemistry, by Brandt,	1
Medical Jurisprudence, by Ray,	1
Manual of Conchology,	1
Mechanics Companion, by Nicholson,	1
Mind Amongst the Spindles, by the Factory Girls,	1
Manual of Practical Assaying, by Mitchell,	1
Micellaneous Works, by Wm. Hazlitt,	5
Mechanics and Engineering, by Weisbacks,	2
Mechanics for Practical Men, by Jameson,	1

MISCELLANEOUS WORKS.	Vols.
Millwright and Millers' Guide, by Jones,	1
Mechanics, by Beauchorlot,	1
Mathamatical Tables, by Stanley,	1
Memoirs of Josiah Quincy, by his Son,	1
Mathamatical Principles of Nat. Philosophy, by Isaac Newton,	1
Medical Treatment of Children, by Dewes,	1
Memoirs of his Life, by John Newton,	2
Mental Philosophy, by Upham,	3
Merchants' Magazine, by Hunt,	20
Middle Age,	1
Manual, Parliamentary, by Jefferson,	4
Manual of Mineralogy, by Dana,	1
Ninevah and its Remains, by Layard,	1
Nature, Studies of, by St. Pierre,	1
Observation in the East, by Durbin,	2
Obituary of Henry Clay,	1
do W. R. King,	1
do Z. Taylor,	1
Philosophy, Natural, by Fisher,	1
do do Herschell,	1
Parithian of the Heathen Gods, by Tooks,	1
Printers' Instructions, by Adams,	1
Philosophy of Magic, by Thompson,	2
do Rhetoric, by Campbell,	1
Paschal's Provincial Letters, by McCrie,	1
Poor Rich Man and Rich Poor Man,	1
Public Men of the Revolution, by Sullivan,	1
People's Journal, by Saunders,	5
Public Economy, by Colton,	1
Philosophy, Modern, by Morrell,	1
Poems, by Cowper,	1
Poetical Works, by Southey,	1
Pilgrimage to the Holy Land, by Lamartine,	2
Poems, by Amelia,	1
Prose, by John Milton,	2
Philosophy of Inductive Science, by Merwell (missing vol. 3),	3
Political Philosophy, by Brougham,	3
Prisoner of Ham, by Brefault,	1
Pilgrimage beyond the Sea, by Longfellow,	1
Progress of Nations, by Longfellow,	1
Principles Physics, Meterology, by Miller,	1
Protestantism in Italy,	1
Plutarchs Lives, by Longhorn,	4
Principles of Human Philosophy, by Carpenter,	1
Practice of Medicine, by Wood,	2
Poisons, Treatise on, by Christison,	1
Poetical Works, by Mrs. Hemans,	1
Penitentiary System, by D'Beaumont and Toqueville,	1

MISCELLANEOUS WORKS.	Vols.
Prophecies, Dissertation on, by Newton,	1
Polyponesian War, by Smith,	1
Practical Astronomer, by Dick,	1
Price Book and Estimator, by Gallier,	1
Poems, by Eliza Cook,	1
Practice, Medical, by Bell & Stockton,	2
Pathology, by Walker,	1
Philosophy of Sermons, by Espy,	1
Poems, Dramatic, by Goethe,	2
Poetical Works, by Coleridge,	2
Physical Science, by Somerville,	1
Quakers, by Clarkson,	3
Romance, by Longfellow,	1
Republic of the United States, by Toqueville,	1
Rambles of Naturalists, by Goodman,	1
Roads and Railroads, by Gillespie,	2
Roads, Treatise on, by Bloodgood,	1
Religious Institutions, by Calvin,	3
Red Race of America, by Schoolcraft,	1
Roman Empire, Decline and Fall, by Gibbon (missing vol. 1),	4
Romans, Lectures on, by Chalmers,	1
Reflections, by Sterne,	1
Rural Economy, by Boossengault,	1
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Society, Manners and Politics in the U. States, by Chevalier,	1
Surgery Medical, by Valpion,	1
Sermons, by Chalmers,	1
do by Fothergill,	1
Surgical System, by Valpion,	2
do do by Chelius,	3
Sermons, by Hugh Blair,	1
Speeches, by Windham & Harkeson,	1
Speeches, by Webster,	3
Travels in California, by Farnham,	1
Tales of the Sea, by Cooper,	6
Travels in Central America, by Stephens,	2
Travels in Peru, by Tschudi,	1
Tour in America, by Dixon,	1
Theological Institutes, by Watson,	2
Tree of America, by Brown,	1
Tales and Novels, by Maria Edgeworth,	10
Tragedians of the Wilderness, by Drake,	1
Useful Tales, by Bowditch,	1
United States Exploring Expedition, during the years 1838, 1839, 1840, 1841 and 1842, by Wilkes,	5

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Voyage of Naturalists, by Darvin,	2
Valley of the Amazon, by Hedron,	1
Voyage in the Arctic Regions, by Barrow,	1
Voyage around the World, by Taylor,	2
Wolf's Mission to Bokhara,	1
Works by Fielding, (select),	1
Waterloo Campaign, by Lebourn,	1
Works of Franklin, by Sparks,	9
Works of Scott, (missing Vols. 1, 2, 3 and 5,	10
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LAW MISCELLANY.

Abbott on Shipping,	1
Angel & Ames on Corporation,	1
Angel on Limitation,	1
American Leading Cases,	2
Adams on Ejectments,	1
Addisison on Contracts,	1
Archibald's Criminal Pleadings,	1
Angel on Tide Water,	1
Admiralty Decisions,	1
Burge on Suretyship,	1
Brown's Civil and Admiralty Law,	2
Bacon's Abridgement,	10
Bingham on Infancy,	1
Burlamoquis' Natural and Political Law,	1
Bright on Husband and Wife,	2
Blackstone's Commentaries,	2
Colyer on Partnership,	1
Chitty on Contracts,	1
Curtis on Patents,	1
Cowen's Treatise,	2
Coventry & Hugh's Digest,	2
Chitty's General Practice,	4
Coke on Littleton,	3
Code Napoleon,	1
Cooper's Justinian,	1
Chitty on Bills,	1
Crabb on Real Property,	2

LAW MISCELLANY.

Conklin's Admiralty,	1
Conklin's Treatise,	1
Commerce and Navigation,	2
Digest Supreme Court U. S.,	1
Duer on expenses,	2
Dunlap's Paley's Agency,	1
Elliott's Diplomatic Code,	2
Farren's Bill in Equity,	1
Green's Equity Jurisprudence,	1
Graham on New Trials,	1
Greenleaf on Evidence,	2
Hill on Trustees,	1
Hovenden on Frauds,	1
Howe's Practice,	1
Holcomb's Leading Cases,	1
Harrison's Digest,	5
Hibbard's Real Property,	2
Hale's Crown Pleas,	2
Journal of Laws,	1
Jacob's Law Dictionary,	6
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Kent's Commentaries,	3
Kim's Law Companion,	1
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Mitford's Chancery Pleadings,	1
Mathew's Presumptive Evidence,	1
Montague on Set-Off,	1
Medical Jurisprudence of Insanity,	1
Oliver's Conveyances,	1
Opinions of Attorney Generals United States,	2
Philips on Insurance,	2
Powell on Mortgages,	2
Public Lands,	3
Russell on Crime,	2
Papier on Leases,	2
Roscoe on Criminal Evidence,	1
do do do	1
Story on Bailment,	1
Story's Equity Pleadings,	1
Sugden on Power,	1
Story's Agency,	1
Story on Partnership,	1
Story's Conflicts and Bills,	2
Stephen's Commentaries,	4
Smith's Leading Cases,	2
Stephen's Nisi Prius,	3
Starkie on Evidence,	3

LAW MISCELLANY.

Seaton's Forms,	1
Sedgwick on Measure of Damages,	1
Stephen & Benneck on Average,	1
Sergeant's Constitutional Law,	1
Starkie on Pleadings,	2
Smith's Mercantile Law,	2
Strobheart's Equity,	2
Story's Equity Jurisprudence,	2
Sugden's Vendors.	2
Tidd's Practice,	3
Townsends's New Forms and Practice,	1
United States Digest,	6
Vattel's Law of Nations,	1
Wheaton's Law of Nations,	1
Wheaton's Elements Natural Law,	1
Wygram on Discovery,	1
Williams on Real Property,	1

STATUTE DOCUMENTS.

Annual Messages and Documents,	1
Acts and Resolves of Maine,	
do do Massachusetts,	
do do Wisconsin,	
do do Kentucky,	
do do South Carolina,	8
do do Texas, 1853—1854,	
do Louisiana,	1
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do of the Legislature of Alabama,	
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do do do Maryland for 1854,	1
do do Rhode Island Assembly,	3
American State Papers,	20
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Acts and Resolves of the 31st Congress,	17
Annual Report of the New York Library,	1
Contested Elections,	1
Assembly Journal of New York,	2
California Messages and Correspondence,	2
Civil Code of Louisiana,	1
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Congressional Globe and Appendix,	18
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Catalogue Maps and Surveys N. Y. Library,	1
Documentary Journal Indiana,	1
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do do Florida,	
do House New Hampshire,	
do Assembly New Hampshire,	
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do Senate do do	1
do House Representatives New Mexico 1851,	1
do Council do 1853,	1
do House of Representatives Territory of Oregon 1853—4,	1
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do Tennessee,	1
do North Carolina,	1
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Madison Papers,	1
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New York Constitution,	1
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Report of Regent of New York University,	1
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Statutes at Large, (unbound)	30
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Statutes of Oregon, 1853-4,	1
Senate and House Miscellany,	10
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MAPS AND CHARTS.

Map of Europe, by Tanner.
do the World, by Colton.
do South America, by Tanner.
do Georgia, by Bonner.
Chart of America, by Wilson.

MAPS AND CHARTS.

Chart of National Flags,
View of Rivers and Mountains, by Wilkes,
Atlas of Wilkes' Exploring Expedition for 1838–'39–'40–'41–'42.
Maps of Coast Survey.
Universal Atlas, by Mitchell.
North American Atlas, by Morse.

REPORT

Of the majority of the Judiciary Committee on the petition of Mary Ann Hunter.

The judiciary committee, to whom was referred the petition of Mary Ann Hunter, praying to be divorced from her husband, James H. Hunter, respectfully beg leave to say that, after a careful consideration of the subject matter committed to them, they have come to the conclusion to recommend that the prayer of the petitioner be not granted.

By reference to the act relating to marriage and divorce, passed the 17th day of January, 1854, it will be seen that the Legislative Assembly have made ample provisions for obtaining divorces from the bonds of matrimony in cases like the one referred to the committee. Among other cases in which a divorce may be granted by the district court, are the following:

Wilful desertion of either party by the other for the space of one year, and voluntary neglect of the husband to provide the wife with a home and the common necessaries of life for the space of one year.

It is true, the desertion and neglect complained of by Mrs. Hunter are for a less period than one year, being only from the first of February last, but the committee can see no reason why a less time than that prescribed by the statute in other cases should be a good cause of divorce in the case under consideration. Some doubts have already been expressed in the community whether desertion and neglect for one year is not too brief a space of time to justify the granting of divorces. Without expressing an opinion upon this point, the committee are prepared to say that, in their opinion, it would be unwise to lessen that period.

If desertion for ten months, as in this case, be considered a sufficient cause for granting a divorce, and the Legislature act upon it, we shall doubtless have applications to this body to grant divorces in cases of desertion for a period of six or three months, or even for a less space of time. In short, we believe that it would be a matter of regret if the Legislative Assembly should now, or at any time hereafter, say that simple desertion or neglect for any period how-

ever short, should be sufficient cause for dissolving the marriage contract. It is better far that there should be some limited period in this respect, and we think that one year is quite short enough.

Independent however of the foregoing reasons, we think there are others why the legislature should not interfere in cases like the present. As has already been observed, ample provision conferred by statute upon the district courts, to grant divorces in cases of desertion and neglect to provide for the support of the wife for one year.

In those tribunals, both parties, the accuser and the accused, can have an opportunity of being fairly heard. Witnesses can be examined by either, the husband or the wife, in support of or against the accusation.

This course is but just and fair to all concerned, and is indeed necessary, in order to arrive at a full understanding of the merits or demerits of an application to dissolve the marriage tie. This cannot be done in an *exparte* investigation before a legislative body, or before any committee of that body, at least not without consuming a great portion of that time which should be devoted to other, and more important considerations of a public nature.

The legislative and the judicial power should each act within its appropriate sphere. To the former is committed the authority to enact laws, to the latter the authority to decide upon rights of parties arising under those laws, or to punish for their violation.

These powers should be kept seperate and distinct, as well in cases involving the rights of property between man and man, as in cases between husband and wife, affecting the marriage vow.

It surely is no light matter to dissolve that important relation to which both parties have given their plighted faith for its endurance through life, and certainly as ample opportunities should be given to defend against an alleged violation of this contract, as in cases where the rights of property only are concerned.

In the case before us, it is probable that James H. Hunter is not aware that an application has been made here to dissolve this contract, and for ought that appears, he may have a good defence to all the charges contained in the petition of his wife, or at least there may be circumstances in extenuation of his conduct, which would justify a court in refusing to grant a divorce. To the district court therefore, we would reccommend her to apply for relief. If no defence be made by her husband to such application, doubtless the district court will divorce her from the bonds of matrimony.

In this connection, the committee would beg leave to say, that in their opinion, it would be proper for the legislature to grant divorces in none of the cases in which the district court is empowered by statute to grant relief. To enable parties to obtain this relief in the courts, that statute was passed, and the committee think it would be both unwise and inexpedient for this Assembly to interfere in cases where an ample remedy can elsewhere be obtained.

All of which is most respectfully submitted.

A. L. LOVEJOY, *Chairman.*

REPORT

Of the minority of the Judiciary Committee on the petition of Mary Ann Hunter.

The minority portion of your committee to whom was referred the petition of Mary Ann Hunter, to be divorced from her husband, James H. Hunter, beg leave to state, that the prayer of the said petitioner should be granted.

It is readily admitted that in several of the states of the Union, the legislatures have enacted laws, by virtue of which, they have declared that they will not interfere in matters of divorce, wherever their courts can take cognizance of the matter appertaining to the cause. It is further true, that legislators ought not to interfere in matters of divorce, without the most grave and careful deliberation as to the mutual rights of the parties to be affected by the law, but no act of the Legislature of Oregon, is now in existence, which prohibits that body from interfering to dissolve the nuptial tie, where the apparent necessity of the case would seem to demand such a change, and even should such a law be enacted by the Legislature of Oregon, we apprehend that it would have no binding obligation upon succeeding bodies of the legislature, further than those bodies should choose to acquiesce in the provisions of the law; but that they might alter, amend, or finally abolish the former law, no gentleman in this house would probably be disposed to deny. Upon mature reflection the minority portion of your committee have come to the conclusion, that a well, or a long established principle of law, uniformly acquiesced in by former legislatures, ought not to be changed, except for causes of grave necessity. We can see no reason why the universal practice of former legislatures should now be changed. It is true, that recent acts or laws which have been passed may be repealed, when the legislature become convinced of their mischievous effects. When laws recently enacted are found not to answer the end proposed, it is most assuredly the duty of the supreme power to alter or amend

those laws to suit the contingency, but old established and time honored principles, that have been universally acquiesed in since the organization of this territory, might well cause the members of this House to pause before they sacrifice a principle coeval with the formation of our government. We apprehend that legislators, who know the duty which they owe to a community, would not wish that laws should be repeatedly changed, that what is the universal practice of to-day, should be made to perform the regadoon dance of changeable opinion, and sent to the shades of oblivion to-morrow. It is the universal practice of our courts of law, that precedents should be strictly followed, (I state the rule generally, not regarding those little exceptions which form no obstruction to the principle,) if such then is the practice of our courts of law, should the highest tribunal in our territory, wantonly depart from those precedents, which has ever been the boast and glory of our land?

Why it may well be asked, has the legislature granted divorces heretofore, and upon what new principle are they now refused? Equity would certainly urge that that power, which has stretched out its powerful arm to succor the oppressed, should not now become paralized and powerless by the mesmeric influence of your committee.

That the legislative body, then, has the abstract right to grant divorces, the majority of your committee has not seen proper to deny. We are of an opinion that no legislative body in any State of the Union denies that such a right exists, should they at any time choose to use it; but although the right is not denied, your majority committee think it inexpedient. If such be the case, reason would suggest that this Legislature should at once pass a law declaring that no case of divorce should ever come before our body; but until such law shall be passed, we are clearly of an opinion that to refuse an isolated case is a flagrant and palpable wrong. We apprehend that many cases may arise, and this one among the number, wherein the district court can take no cognizance of the wrong, and must, then, the unhappy victim be condemned to pass a life of wretchedness which "no innocence can escape—no art elude—no force resist—no antidote prevent?"

The majority of your committee intimate that it is consuming the time of the Legislature in useless legislation to lend a willing ear to the numerous requisitions for divorce. Is this honorable body so pressed for want of time that they are unable to attend to the minor subjects of legislation? Certainly a cool observer, who would narrowly watch the manners and customs of this body, would be forced to come to the very rational conclusion that this argument would have to be taken with many grains of allowance.

It is further urged that, in the case before us, the trial would be *exparte*, and no *exparte* trial should be had when both parties could be present. The principle, abstractly considered, is strictly true, but in the case before us the argument loses all its force. The husband of the petitioner has gone to parts unknown, and there is no human probability that he would appear in a circuit court or else-

where to oppose the claim of your petitioner. But the main foundation upon which this petitioner rests, is evaded, or at least unnoticed, in the report of the majority of the members of your committee. The dearest pledge of love which nature can bestow is liable at any moment to be snatched from the arms of a fond mother by the brutal and intemperate husband. To wait until the session of the district court of Douglas county, in May next, the mother regards as being almost tantamount to the loss of her child. As the law now stands, he is entitled to the custody of her little girl, and she is liable at any moment to lose that which, for a mother to lose, is to lose her all. Her little girl is carried away captive, and compelled to look to a drunken father for support, who would dwell with a malignant pleasure upon the seared and bleeding heart of the mother, "and feast with rancherous rapture upon the sordid catalogue of her distresses."

Why the common law would allow a drunken father the possession of the child in preference to the virtuous mother, is a subject which well might engage the attention of legislators of modern times. Common sense would at least suggest that the mother, who during infancy shielded and protected her own loved one, should not, by the irresistable fiat of the law, have it ruthlessly torn from her arms; but if such should be the decision of this body, then farewell to those wild emotions of joy which nature has implanted in the mother's breast in the possession of her child, and with a seared and withered heart she would be compelled to exclaim that human laws, ostensibly established for the rights of mankind, were a hollow mockery of those immutable laws of justice which, though denied on earth, are anchored firmly within the portals of Heaven.

All of which is respectfully submitted.

J. F. GAZLEY.

REPORT

Of the Commissioners to erect the Penitentiary.

To the Honorable the Legislative Assembly of Oregon Territory:

The commissioners having in charge the erection of the Penitentiary at Portland, beg leave to report that, with the means at their disposal, they have made the best possible progress with the work, so that by the first of January next, they hope to have six cells completed for the reception of convicts, the cost of which will exceed the amount of funds in hand by about one thousand dollars, including the cost of covering it to protect the work.

The present board of commissioners, coming into office after all the plans and specifications were decided upon, and a large proportion of the fund expended in peparing the ground for laying the foundation, have had little to do but urge forward as much of the superstructure as their means would allow. The principal difficulty they had to contend with was the procuring of suitable material, that first prepared being, in their opinion, entirely unfit for use. Much of the season was consumed in fruitless efforts, until finally a quarry was found of most superior quality, of blue stone, very much resembling granite in appearance, and probably not at all inferior to it for building purposes. Every effort was at once made to procure the necessary quantity, since which the contractors have labored diligently to forward the work. It was the intention of the board to have the fund expended by the first of October, and so expressed by order to the contractors; but owing to the difficulties they had to encounter, and the want of means at the command of the board, it was deemed better to submit to delay than to attempt a re-letting. It is true that much time has been consumed in making comparatively little progress; but when the cost of ground, and preparing it for the reception of the buildings, together with the difficulties incident to such a work in so new a country, are considered, much allowance no doubt should be made; but hereafter, should we be so fortunate as to be able to procure sufficient appropriation to continue, there will no excuse for delay, and the work can be carried on to a

speedy completion; for nearly one-half the outside foundation walls for the north wing are laid, and for four additional cells, so that a comparatively small appropriation will add largely, not only in appearance, but in reality.

It will be seen by reference to the accompanying account current, that the whole amount available by the present board on their taking charge of the work was fourteen thousand four hundred and forty-one dollars and eighty seven cents, of which there has been expended eleven thousand two hundred and eighty-seven dollars and ninety-seven cents, leaving in hand the sum of three thousand one hundred and fifty-three dollars and ninety cents, with which to pay for the superstructure of six cells, and covering the work to protect it and render it available for the safe keeping of the convicts. As before remarked, this sum will be insufficient, leaving the fund about one thousand dollars in debt to the contractors. The duty of taking care of and providing for the safe keeping of the convicts having been devolved upon the board by your honorable body, they beg to submit a separate report, embodying such suggestions as in their judgment seem necessary for their future management.

It may be proper to add that the fraction of land in controversy between the previous board and Mr. Stephen Coffin, remains the same as during the last session of your honorable body, although offers have been made to ascertain and define its value.

All of which is respectfully submitted.

J. S. DICKINSON,
A. D. FITCH, } *Commissioners.*

PORTLAND, Dec. 18, 1854.

Amount of money in the hands of the treasurer of the Penitentiary fund (the Governor of Oregon), as shown by the books received from the previous Penitentiary commissioners 16th February last,	$14,400 00
Amount of cash paid over to the Secretary,	41 87
	$14,441 87

Account of Expenditures.

Mar. 25, 1854,	Estimate of masonry performed by H. S. Jacobs & Co., laying the foundation of the Penitentiary, 151 perch, 3 feet, at $23 per perch,	$3,477 18
	Do. for excavation of trenches for foundation wall, 106 yds. at 60c.,	63 60
May 10, "	Estimate of masonry performed by H. S. Jacobs & Co., laying the foundation of the Penitentiary, 70 perch, 13 11-12 feet, at $23 per perch,	1,629 41

June 10, 1854,	Hallock, Day & Co., for surveying and making estimates and making plot of Penitentiary ground,	$ 35	00
July 5, "	W. H. Frush, for balance due on contract for grubbing and grading the Penitentiary ground, as allowed by the previous board of commissioners,	400	00
Aug. 25, "	W. H. Frush, for 20 iron beams, 3,288 lbs., at 20c.,	657	60
Sep. 5, "	H. S. Jacobs & Co., masonry performed laying the foundation of the Penitentiary, 139 perch, 5 feet, 2 6-12 in., at $23 per perch,	3,204	25
	Do., for excavation for foundation wall, 66 yds. 18 ft. 11 8-12 in. at 60c.,	43	78
Sep. 8, "	W. S. Ladd, for services as commissioner,	93	33
Nov. 4, "	J. S. Dickinson, for services as commissioner,	105	00
" " "	A. D. Fitch, services as commissioner,	120	00
" 21, "	S. M. Parrish & R. Stephens, for 3,030 split clapboards for covering the Penitentiary, at 1 3-4c.,	53	02
" " "	A. B. Hallock, for drafting doors, &c., measuring and estimate of stone work and excavation,	23	00
" " "	D. H. Belknap, for services as commissioner to 4th instant,	55	00
	W. H. Frush, for bill of iron, viz: 10 iron doors and hinges complete, 5,187 1-2 lbs, 14 brackets 1,420 1-2 lbs, rivets and dowels, 31 lbs, at 20c.,	1,327	80
		$11,287	97
	Amount of Penitentiary fund, as above stated, on hand 16th Feb., 1854,	14,441	87
	Amount appropriated from 16th Feb. to date as above,	11,287	97
Dec. 18, 1854.	Amount not appropriated,	$ 3,153	90

A. D. FITCH, *Sec'y.*

PORTLAND, Dec. 18, 1854.

To the Honorable the Legislative Assembly of Oregon Territory:

The commissioners for erecting a Penitentiary in Portland, having been assigned the care and safe keeping of the convicts, beg leave to report that, on taking charge of that department, they found but three convicts in custody, one of whom escaped, and was not re-captured, and there being no record of the past, were unable to ascertain precisely the previous action in regard to their management, and consequently have had much difficulty in relation to bills contracted, and unsettled accounts generally, but finally have succeeded in clearing up and organizing that department so far as possible in the absence of all specific laws for its government and regulation.

As remarked, there were but three convicts in charge at the beginning of the present year and one of them escaped, since which six more have been added, making the whole number at present eight; received as follows, viz: Three from Clackamas, two from Linn, one from Benton, one from Jackson, and one from Washington. Owing to the necessarily insufficient means of securing them, there has been three escapes during the season, all of which have been re-captured; and from the means employed, we have full hopes of security for the future. We have had much difficulty in securing the service of an efficient keeper, as, by a law passed by your honorable body at its last session, fixing the salary of a keeper at six hundred dollars a year, so much below the standard of common labor, that no competent man could be secured without other inducements being offered, and even then, owing to the accumulation of convicts, it has been found necessary to employ an assistant to enable us to keep them employed according to law; which, however, will be paid out of the proceeds of their labor. Being unable to employ the convicts in the erection of the Penitentiary, and finding it difficult to procure steady employ at anything else, we deemed it advisable, and did, in the month of September last, advertise for proposals and hire them to the highest bidder for the three months ensuing, at sixty-two and a half cents per day each. Their health has been generally good, except those who came here with diseases already contracted, and even those are much better now than when received. During the year past, a building has been erected for the use of convicts, and the cost of cells incurred from time to time to meet the increasing want, so that in a short time, more will have been paid for temporary convenience than would be required to make permanent improvements on the Penitentiary ground; therefore, the board have deemed it best to procure the erection of a frame building, in connection with the enclosure of the Penitentiary, to be divided into cells, cook rooms, &c., and to be used in connection with the cells about being completed in the Penitentiary. The building will be eighteen by thirty feet, two stories high, roughly but strongly built, and will furnish the necessary accommodation during the building of the Peniten-

tiary, and at its completion be well adapted for a work shop for the convicts. There having been no provisions made by law for records being kept, or disbursements made by the board, all accounts being required to be sent to the auditor, you are referred to his report for all expenses of the department.

In connection with this report, the commissioners beg leave to call your attention to the necessity of suitable laws for the regulation and government of this particular department, and to such changes and provisions for the future as, in their judgment, seems called for by its growing importance. At present, all the laws upon the subject are so general in their character as to leave all acting parties in doubt as to their duty in matters of detail, devolving upon them responsibilities, very embarrassing, and at the same time preventing that efficiency and promptness of action, so important in all the departments of the public service.

First, while the whole matter is under the supervision of a resident board of commission, the keeper should be a competent business man, not only responsible to the board of commission, but directly to the Legislature, and required to keep full and complete records of all his transactions, name, age, and description of each and every convict, his crime and sentence, expenditures for provisions, clothing, &c., so that at the close of each year he may make a full report. The services of such a man as would do credit to our Territory, could probably not be procured for less than fifteen hundred dollars, and an assistant keeper, accountable to the keeper, one-half that sum. All the necessary provisions and clothing to be furnished at the expense of the Territory, and dealt out by the keeper, instead of boarding by the week, as is the case now; a suitable uniform for the convicts, by which they may be known and distinguished. These, and such corresponding provisions as will readily suggest themselves to your honorable body to complete a system, will, in the estimation of this board, reduce instead of add to the expense of the department, by saving more than enough in the economy of its management to pay the extra expense in salaries.

They would also respectfully suggest and urge upon your honorable body the extreme importance of providing, even at the expense of the Territory, a suitable house for the keeper, with the necessary store-room for the accommodation of the Penitentiary. Such a house could be erected adjoining the north end of the north wing, with a cellar and sub-cellar complete and commodious, at a cost of say five thousand dollars, which, when completed, would be of the greatest utility and convenience, and it is earnestly hoped that you may see the importance of spedily providing it.

In conclusion, your attention is called to the fact before suggested, i. e. the difficulty of securing an efficient keeper at the present low salary fixed by law. The present keeper, Mr. Sloane, was only induced to act in that capacity by the firm belief that the approaching Legislature would at least grant him as much as he could pro-

cure in other pursuits, and he is now awaiting your action; and we take pleasure in attesting his capability and adaptation to his position.

All of which is respectfully submitted.

J. S. DICKINSON,
A. D. FITCH, } *Commissioners.*

PORTLAND, Dec. 18, 1854.

MESSAGE.

Fellow Citizens of the Council and House of Representatives :

I have learned, unofficially however, of your action by joint resolution, requesting me " to communicate to the Assembly, during the session, any plans, or suggestions, by which the perpetrators of the massacre of a portion of the immigration of last season, near Fort Boise, may be speedily brought to justice." I have hitherto abstained from making any communication in answer thereto, in the hope of receiving some intelligence from the proper department of the general government, in relation to the subject, that might tend to indicate the most judicious line of action to be pursued, and impart to your legislation completeness and efficiency. The repeated failure of the mails have defeated the reasonable expectation I had entertained in this particular.

You are very recently from among those who have invested you with authority, and it is to be presumed you are familiar with the opinions and desires of the people concerning the melancholy event, the subject matter of your resolution, and no doubt will exercise your fullest powers in the adoption of such measures as will best fulfil the public expectation.

The punishment of crime and aggression committed by Indians, most certainly belongs to the United States, but circumstances have transpired, and will continue to occur, creating exigencies of that character and importance requiring immediate and decisive action. The people who have constituted the frontier settlers of the Union, from the fact of their remote position and constant liability to Indian depredation and hostility, have ever been characterized by a becoming alacrity in defending themselves, by the prompt infliction of a proper chastisement of Indian tribes who conspired against their welfare and security. It is not surprising, therefore, that the people of Oregon, who are mainly composed of the hardy pioneers of the western States of the Union, should manifest the like characteristic. Before the power of the federal government was extended over this

country, occasion had made it the necessity of our people to repel Indian hostility, and since, when the protection and safety supposed to be consequent upon that extension of power, proves to be inadequate, or inefficient, and their relatives and friends are slaughtered by Indian perfidy, while on the peaceful journey of immigration, to make permanent homes among them, and to associate intimately with their interests, they could not be expected to remain passive and indifferent, and make no effort to cancel the common obligation of our manhood.

Should no information be received that would lead to the certain conclusion that the federal government proposed to take speedy and effectual measures for the apprehension and punishment of the murderers, and to afford that protection along the immigrant trails conducting into the settlements of Oregon, which is so imperatively requisite, I would respectfully suggest, whether Congress makes an appropriation for the payment of the expenses incident thereto, or whether they are defrayed by the people of the Territory, that you authorize the enrollment and equipment of an expedition, to comprise not more than one battalion, to go forward in the spring, or as soon as practicable, to occupy the country between the Grande Ronde and Fort Hall, and by every means possible, hunt down and apprehend the Indians concerned in the murder of immigrants in the vicinity of Fort Boise, on the 20th of August last.

While it may not be substantiated that any of the employees of the Hudson's Bay Company were guilty of criminal conduct in connection with the deplorable occurrence of the massacre, still it is a matter of serious regret that such a powerful foreign monopoly is left to exert its influence in the heart of the Indian country. Whatever that influence may be, it is not national, and it imparts no strength to our laws. The passage of a memorial to Congress, calling for the immediate purchase of their interest, and their retirement beyond our boundary, would seem to be a measure highly expedient and proper under the circumstances.

I transmit, herewith, the reports of the Commissary General, and Assistant Quarter Master General, as to the operations and expenses of their respective departments, incident to the effort made to organize an expedition in September last, after the receipt of the news of the massacre.

I beg to assure you of my sincere disposition to co-operate with you in such measures as may be conducive to the merited chastisement of offensive Indians, and the safe passage of immigrants from the States to our growing Territory.

GEO. L. CURRY.

SALEM, January 16th, 1855.

To His Excellency, Geo. L. Curry, Governor of Oregon Territory:

The undersigned Commissary General of Oregon Territory, respectfully reports, that immediately after the reception of your Excellency's Proclamation, of September 18th, 1854, calling for two companies of volunteers, to chastise the Snake Indians, for the murder of certain immigrants, within the limits of this Territory, I despatched, without delay, Mr. E. M. Wait to Columbia Barracks, to ascertain what assistance could be rendered by that post to the Commissary's Department of this Territory, at an expense of $15, not including horse-hire, for this service. I hired from John Cochran a horse for two days, at $3 per day, say $6, and on the 21st of September, I hired two horses of A. K. Post, at $3 per day each, for three days, $18, and on the same day, by request of your Excellency, I despatched Mr. Charles Felton to Columbia Barracks and Dalles, in the service of this Department, who having procured the information desired, at Columbia Barracks, returned. Mr. Felton was in the service of this Department for three days, at $3 per day, $9, and expended while in the service, for the benefit of the Department, the sum of $5. I also hired a horse of Nicholas Johnson for one day, at $3 per day. On the 21st of September, I employed John B. Sifers and Thomas J. McCarver as assistants in the purchase of supplies for this department, at $3 per diem; they were engaged for three days, making for each of them $9. I also furnished two mules for three days, at $3 per day, $18, and expended in cash, for contingencies, $10. I employed as Commissary's Clerk for this Department, Mr. Murrey, without fixing any compensation for his services; his services continued for three days. Besides having made a number of conditional contracts, all of which have been cancelled by agreement, without further expense to the Territory, I have also made several for which the faith of the Territory is still pledged, duplicate copies of which is herewith transmitted to you, as per order of duplicate No. 1, to Josiah Preston, for horse, bridle and saddle $90; duplicate No. 2, to W. F. Tolmie, for one hundred head of sheep, at $6 per head, $600; duplicate No. 3, to Wm. Barlow, for thirty bushels of oats, delivered for use of Commissary's Department, at $1 per bushel, $30; all of which is now in the hands of the Commissary General, subject to your direction, or that of the Legislative body of this Territory, except a portion of the oats, and three of the sheep, which has been used for the benefit of this department. A proposition, however, has been made to me by W. F. Tolmie, and, after a consultation with your Excellency, accepted on my part, to cancel the contract for the remaining ninety seven sheep, giving the obligation of this department to W. F. Tolmie for $50 damage. On these terms Mr. Tolmie's agent agreed to receive back the sheep, but up to this date, they have not been called for.

All of which I respectfully submit to the inspection of your Excellency, for your further consideration and direction.

I am, &c.,

M. M. McCARVER,

Commissary Gen'l. Oregon Militia.

December 21st, 1854.

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(DUPLICATE, No. 1.)

Commissary Department, Oregon City, O. T.,

To JOSIAH W. PRESTON, Dr.

For the following articles sold M. M. McCarver, for use of troops called into service by proclamation of His Excellency, G. L. Curry, dated at Salem, September 18th, 1854, to quell Indian disturbances in middle Oregon:

September 23d, 1854, To one Indian horse, saddle and bridle, for the sum of ninety ($90) dollars.

I certify, on honor, that the above account is correct and just, and that the articles were purchased in market, and used for the purpose above stated.

M. M. McCARVER,

Com. General Oregon Militia.

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(DUPLICATE, No. 2.)

Commissary Department, Oregon City, O. T.

To W. F. TOLMIE, Dr.

For the following articles sold M. M. McCarver, for use of troops called into service by proclamation of His Excellency, G. L. Curry, dated at Salem, September 18th, 1854, to quell Indian disturbances in middle Oregon:

September 23d, 1854, One hundred sheep, at $6 per head, $600.

I certify, on honor, that the above account is correct and just, and that the articles were purchased in market, and used for the purposes above stated.

M. M. McCARVER,

Com. General Oregon Militia.

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(DUPLICATE, No. 3.)

Commissary Department, Oregon City, O. T.,

To WILLIAM BARLOW, Dr.

For the following articles sold M. M. McCarver, for use of troops called into service by proclamation of His Excellency, G. L. Curry,

dated at Salem, September 18th, 1854, to quell Indian disturbances in middle Oregon:

September 23d, 1854, To thirty bushels oats, at $1 per bush. $30.

I certify, on honor, that the above account is correct and just, and that the articles were purchased in market, and used for the purpose above stated,

M. M. McCARVER,
Com. General Oregon Militia.

SALEM, *January 10th*, 1855.

To His Excellency, Geo. L. Curry, Governor of Oregon Territory:

SIR—I have the honor to report, that the only expense incurred y this office, in raising a force to proceed against the Snake River Indians, in the month of September last, was for shoeing horses, which had been furnished for the purpose of the expedition; an account of which I herewith transmit. Written orders for the work were given by Victor Trevitt, Commissary and Quartermaster of volunteer command, and are now on file in this office.

I have the honor to be your obd't serv't,

JOHN McCRAKEN,
Act'g Asst. Qr. Master Gen'l Oregon Militia.

SALEM, *September 24th*, 1854.

Quartermaster's Department, Oregon Militia,

To BASH & BROWN, Dr.

To shoeing eleven horses, per order of Victor Trevitt, at five dollars each, $55.

MEMORIAL.

To the Legislative Assembly of the Territory of Oregon:

The "Act to provide for the public printing, and the distribution of the laws and journals," requires the Territorial Printer to cause to be printed one thousand cousand copies of the laws, general and special, of each session of the Assembly. In pursuance of the requirements of that act, the undersigned caused to be printed and bound one thousand copies of the laws of a general nature (the special laws being appended, by direction of the Assembly, to the Journal of the House) enacted at the last session, in the City of New York. Five hundred copies of the same were forwarded via the Isthmus, by Express, for immediate distribution. In view of the heavy expense of that mode of transportation, the Secretary of the Territory concurred in the propriety of shipping the remaining five hundred copies via Cape Horn, by which equally safe route they would be received as early as desired. With his sanction, I therefore shipped five hundred copies on clipper to San Francisco, with instructions to Messrs. Abernethy, Clark & Co., of that city, to forward on steamer to Oregon. They were received at San Francisco, and placed upon the steamship Southerner, and in consequence of the casualty which has happened to that vessel, I fear the books are lost or so damaged as to be unfit for use. If so, the matter must all be re-set, as the work was not stereotyped.

It occurs to me that the acts of your present session would be placed in a more enduring and convenient form, if comprised in the bound volume of statutes instead of a small pamphlet, while the work would be thus rendered more valuable and useful. If your Honorable Body should so consider, the undersigned would respectfully pray for the passage of a resolution reducing the order for the general laws of the last session from one thousand to five hundred copies, (the printer receiving pay for the latter number only,) and provide for re-printing an additional five hundred copies, with the emendations and additions made at the present session; and for the granting of such partial compensation as in your judgment the service rendered

the Territory, by including such emendations and additions, shall warrant.

And he likewise prays for authority from your Honorable Body to append the Statutes of a special nature enacted by you to the Journal of one of your Houses, as last year.

ASAHEL BUSH,
Territrial Printer.

SALEM, O. T., Jan. 15, 1855.

REPORT

Of State House Commissioners, made January 26th, 1855.

To the Honorable the Legislative Assembly of Oregon Territory:

The Commissioners appointed to superintend the erection of public buildings at the seat of government, in accordance with House Joint Resolution No. 15, respectfully submit the following report:

The commissioners, on the 26th day of January 1855, called upon late Executive, John P. Gaines, for vouchers, and a statement of expenditures of the five thousand dollars, appropriated by the 15th section of the act of Congress, organizing this Territory, and received from him the accompanying statement of facts, and copies of papers hereto attached

They also received from Wm. H. Rector, a statement by him made, in regard to the same matter, which is also attached. These being all the vouchers or facts within the knowledge of your commissioners, pertinent to the subject in said resolution of inquiry, House Joint Resolution, No. 15, are herewith transmitted.

E. M. BARNUM, } *Commissioners on*
A. W. FERGUSON, } *Public Buildings.*

Statement of facts made by John P. Gaines, late Governor, in relation to the disposition made by him of the Five Thousand Dollars in question.

The sum of five thousand dollars was, by act of Congress, appropriated, and placed in his hands, (see act of Congress, August 1848, page 35, section 15, in the Oregon Statutes), to be applied by the Governor, to the erection of suitable buildings at the seat of government.

This sum was by him tendered to the Legislative Assembly, at the called session, as per message, dated July 26th, 1852.

Again, by regular message, dated December 11th, 1852, he alludes to the previous message, and makes suggestion for a joint action of the Governor and Legislative Assembly, in the disposition of the five thousand dollars, and the twenty thousand dollars subsequently appropriated.

Extract from message, is in these words, alluding to the five thousand dollars:

"This sum remains unexpended, and it will afford me great pleasure to unite it with the twenty thousand dollars, appropriated by Congress to the same object, provided it be the pleasure of the Assembly to proceed at once to the expenditure of the latter sum."

On the appointment of the commissioners to superintend the erection of public buildings, at the seat of government, by the act of the Assembly, passed January 1853, and after the commissioners had entered upon the discharge of their duties, the Governor proposed to expend the five thousand dollars upon the same building which the commissioners were proceeding to erect, and at his request, work was designated in and upon the building, not contracted for by the commissioners, for which the Governor made a contract with Wm. H. Rector, for the expenditure of the five thousand dollars.

Said contract is now on file in the Executive Office, and is herewith furnished, by a copy attached, (marked A).

This contract was entered into by the Governor, for the expenditure of the said five thousand dollars, in the performance of work, furnished and estimated by the commissioners, at the request of the Governor, as per Bill of Estimates, a copy of which, in the hands of John P. Gaines, is herewith furnished and attached, (marked B.)

This paper of estimates was made by the commissioners, at the request of the Governor, so that if there was five thousand dollars worth of work that could be done, without interfering with other work on the building, he could execute a contract for the performance of the same, if he could find a contractor to undertake the same for him, at the price estimated by the commissioners; and as upon an estimate of so much work, made by the commissioners, he would make a contract to that amount, without the delay or expense of advertising; and the said estimate was so made by the commissioners, certifying that at that time, the work therein included, was not unreasonable at the price of five thousand dollars.

Upon John P. Gaines leaving the office of Governor, he stated to his successor, General Lane, and afterwards to Geo. L. Curry, Acting Governor, the condition and amount of this contract with Mr. Rector, and that he had paid to Mr. Rector, upon the same, the sum of twenty-five hundred dollars, and that the other twenty-five hundred dollars was in his hands, and that he would turn the same over as soon as he had an order from the Department authorizing him to do so. (In which statement Gov. Curry concurs.)

Before any order to that effect was received, Gov. Gaines left for

the States; and in the event that an order might come in his absence, the money—twenty-five hundred dollars—was left in the hands of John B. Preston; and during the absence of Gov. Gaines, an order having arrived, was by Mr. Preston paid over to Gov. Jno. W. Davis, as also appears by the papers and vouchers on file in the Executive Office.

Under that contract a part of the work was done by Mr. Rector; some of it to the acceptance of the commissioners, who were superintending the building, and the balance was arrested by the resolution of the Legislative Assembly passed January 30, 1854, changing the material of the building from stone to wood, and the style of architecture from the Ionic to the Grecian Doric.

The following vouchers were exhibited by Gov. Gaines for the expenditure of the twenty-five hundred dollars, and also for the twenty-five hundred dollars paid over by the hands of Jno. B. Preston to Gov. John W. Davis. [See the accompanying copies of papers marked "C" and "D."]

In conclusion, the following letter was furnished by Gov. Gaines. [See paper marked "E."] All which will appear corroborated by the accompanying papers as referred to herein.

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Statement of Wm. H. Rector.

Wm. H. Rector says that he entered into a contract with the late Gov. Jno. P. Gaines for the performance of work to the amount of five thousand dollars, upon the public buildings at the seat of government, on the 8th day of March, 1853.

It being previously understood that the Governor had in his hands the said sum to be applied exclusively by him towards the erection of public buildings, and ascertaining by an interview with him that he would expend the same upon the buildings in the process of erection by the commissioners, *provided* that some portion of the work therein could be designated and set apart for him to contract for exclusively, and expend by himself. A schedule of work to the amount of five thousand dollars was obtained from the commissioners, and for which the contract above referred to was by me entered into with Jno. P. Gaines, Governor of Oregon.

Upon that contract I received from him, on or about the same day, an advance of twenty-five hundred dollars; and I claim to have complied with my contract, and not having received further payments, a detailed statement of the facts have been sent up to the Treasury Department for adjustment.

WM. H. RECTOR.

January 26, 1855.

(A.)

Article of agreement made this 8th day of March, A. D. 1853, by and between John P. Gaines, Governor of the Territory of Oregon, of the first part, and Wm. H. Rector, of the county of Marion, and Territory aforesaid, of the second part.

Witnesseth, That the said party of the second part, for the consideration hereinafter expressed, does for himself, his heirs, executors, and administrators, covenant and agree, to and with the said John P. Gaines and his successor in office, that he, the said Wm. H. Rector, will make, erect, build, and finish, in the manner and form, and at the times hereinafter specified, the following work, to wit: 1st. To finish, construct and erect the joists for the lower floor of the State House at the capital of the Territory of Oregon. 2d. To furnish, construct and erect the trussed girders and joists for the second floor of said State House. 3d. To construct, furnish and erect the window frames and door frames for the first or lower story of said State House. All and singular the entire work to be done in a good, substantial and workmanlike manner. The joists all to be bridged and prepared ready for the flooring. The entire timbers, joists, &c., of the floors, to be of good, hard fir, free from shakes, bad knots, or any other defects. The lower joists to be two and a half by twelve inches, and not more than sixteen inches from centres. The upper joists to be two and a half by ten inches, and not more than sixteen inches from centres. The ceiling joist underneath the second floor to be two by six inches, and not more than sixteen inches from centres. The trussed girders, two in number, in the second floor, to be of good hard fir; the size of timbers to be six by twelve inches; and the stays or braces to be of sound oak, two inches in thickness; the whole to be dressed and have one good coat of white lead and oil; each end of trussed girders and braces to rest in cast iron shoes, securely bolted to oak timbers placed in wall; said oak timbers to be each eight feet long, and six by twelve inches. The window frames to be twelve in number, of good sound cedar, boxed frames, with patent pullies, prepared for sash one and three-fourths inches in thickness, and at the base of frames dowelled upon stone window sills. The door frames to be two in number, of good sound oak, to extend entire through the stone wall of two feet in thickness, rabbetted on the inner side to receive doors two inches in thickness, seven feet wide, and thirteen feet high. All agreeable to, and in accordance with, the drafts, plans, specifications, and detailed drawings, in the office of the "board of commissioners to superintend the erection of public buildings at the seat of government of the Territory of Oregon;" and the aforesaid work to be done and ready, from time to time, at such periods within the year 1853 as may be required by the progress of the stone work up the walls of said buildings, so as not to delay the progress thereof; and

all and singular to be done and performed at the times required by, and to the satisfaction and acceptance of, the superintendent of the public buildings: *provided*, that if any contingency shall arise, whereby the necessary progress of the stone work shall be delayed beyond the year 1853, then so much of the work hereby covenanted to be done and performed by the said Wm. H. Rector, as cannot be finished and put to place, shall be so finished and put to place as soon thereafter as the said stone work shall progress to the requisite stage of completion. And the said Wm. H. Rector shall provide, at his own proper cost and expense, all the timber, wood, iron, and other material necessary and requisite for the completion of the said covenanted work aforesaid. And in consideration thereof, the said Jno. P. Gaines, Governor as aforesaid, for himself and his successor in office, covenants and agrees to and with the said Wm. H. Rector, his heirs, executors and administrators, well and truly to pay, or cause to be paid, unto the said Wm. H. Rector, the sum of five thousand dollars lawful money of the United States. Liberal advances to be made to said Rector, for the procuring of material, and payment of labor, as the said covenanted work progresses.

In witness whereof the parties to these presents have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of
J. N. McDonald.

JNO. P. GAINES.
WM. H. RECTOR.

Know all men by these presents, that we, Wm. H. Rector and Charles Bennett, are held and firmly bound unto Jno. P. Gaines, Governor of the Territory of Oregon, and to his successor in office, in the sum of ten thousand dollars lawful money of the United States, to be paid to the said John P. Gaines, Governor as aforesaid, or to his successor in office, for the payment of which, well and truly to be made, we bind ourselves, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

The condition of the above obligation is such, that if the above bounden Wm. H. Rector, his heirs, executors, administrators, or assigns, shall in all things stand to and abide by, and well and truly perform, the covenants and agreements contained in certain articles of agreements of even date herewith by and between the said Rector and the said Jno. P. Gaines, to furnish, construct, and erect the joist, timbers, &c., of the first and second floors, and the door and window frames in the first story of the State House at the seat of government of Oregon, at the time and in the manner and form therein specified, then the above obligation to be null and void; else to remain in full force and virtue.

Sealed with our seals, this 8th day of March, A. D. 1853.

In presence of
J. N. McDonald.

WM. H. RECTOR.
CHAS. BENNETT.

(B.)

To His Excellency John P. Gaines, Governor of Oregon Territory:

Specifications for the materials for the lower floor of the State House building, according to the plans and detailed drawings in the office of the "board of commisaioners to superintend the erection of public building" at Salem.

119 joist, 16 feet long, 2 1-2 by 12 inches,		4,760 feet.	
35 " 18 " 2 1-2 by 12 "		1,575 "	
Probable cost, $35 per M,		6,335 "	$221 73
Framing 37 1-2 sqr. at $5,			187 50

Materials for the window frames in lower story.

12 window frames for 24 lights glass, 12 by 21 inches, box frames, patent pullies, &c.

This does not include the sash, glass, or inside casings to windows, but the complete frames, with pullies, as shown in drawings, except the sills, which are to be of stone.

Estimated cost of materials for each,	$10 00	$120 00
Framing and fitting same, "	26 00	312 00

Materials for the upper or second story floor.

8 pieces, 50 feet long, 6 by 12 inches,		
4 " 30 " 6 by 12 "		
2 " 28 " 6 by 12 "	576 feet,	$115 20
About 12,000 feet of oak stays and braces,		600 00
Iron for bolts, nuts, nails, &c., (about)		200 00
4 cast iron shoes for braces,		600 00
All as shown in drawings and specifications.		
35 joist, 18 feet, 2 1-2 by 10 inches,	1,322 feet,	
35 " 16 " 2 1-2 by 10 "	1,166 "	
105 " 12 " 2 1-2 by 10 "	2,625 "	
35 " 18 " 2 by 6 "	630 "	
105 " 12 " 2 by 6 "	1,260 "	
Probable cost, $35 per M,	7,003	245 21
Framing 75 sqr. at $5,		375 00
Framing and putting to place principal timbers in second floor, $600 each,		1,200 00
		$4,175 64

In the estimates for framing above is also included the putting and fitting to place in wall as needed from time to time.

E. M. BARNUM,
President of the Board.

SALEM, *March* 5, 1853.

In addition to the within specifications of carpenter and joiner work, we wish two oak door frames, which will be worth about three hundred dollars, and the bridging of the joist ready for flooring.

And upon mature consideration, we hereby certify that we believe that the letting of the entire work heretofore within specified, will not be unreasonable at the sum of five thousand dollars.

E. M. BARNUM, } *Com's on erection*
A. W. FERGUSON, } *of State House.*

SALEM, *March* 7, 1853.

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(C.)

OREGON TERRITORY,
Salem, March, 22, 1853.

Received of Jno. P. Gaines, Governor of Oregon, two thousand five hundred dollars, as an advance payment on a contract for work and materials on the public buildings now building in this place.

WM. H. RECTOR.

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(D.)

EXECUTIVE OFFICE,
OREGON TERRITORY,
Salem, May 22, 1854.

Received of John B. Preston, as agent of Ex-Governor John P. Gaines, two thousand five hundred dollars, the unexpended balance of an appropriation made by the fifteeth section of the act of Congress, approved August 14th, 1848, to be applied to the erection of suitable public buildings at the seat of government.

JNO. W. DAVIS,
Governor of Oregon.

(E.)

TREASURY DEPARTMENT,
Comptroller's Office, July 26, 1854.

JOHN P. GAINES, ESQ., *late Governor of Oregon Territory:*

Sir: Your account, as late Governor of Oregon Territory, for the erection of suitable buildings at the seat of government of said Territory, has been adjusted at the treasury, and closed.

Most respectfully,

ELISHA WHITTLESEY,
Comptroller.

REPORT

Of the Joint Committee on the claims against the Commissioners for the erection of the State House.

The joint committee, to whom was referred the claims against the commissioners for the erection of the State House, met in the Council Chamber on Wednesday evening, January 24th, Mr. Peebles in the chair, and Delazon Smith appointed secretary, when Mr. Rector, builder, made a statement: He said the report of the State House commissioners embraced all his demands, except certain items, which he produced in a bill of extras, which bill of extras had been allowed, save the last item, to wit: "Frontispiece, recess doors and finish at west entrance—$500."

Mr. Rector then proceeded to explain to the committee the nature of the work, and the original expense of the same.

Mr. Smith moved that the committee allow Mr. Rector the amount reported by the commissioners, and also the additional amount of his bill for extra work. Carried.

Mr. Rector presented the committee with a schedule of *unfinished* work, with the estimated cost of completing the same, amounting to $273.

Mr. Barnum, president of the board of commissioners, was, on motion, invited to address the committee.

Mr. B. stated that the item of painting and glazing,	$ 1,100 00
The item of lathing and plastering,	864 57

These items of work upon the several contracts embrace work actually done.

On motion,

Mr. Rector was allowed the sum of	5,540 00

As allowed in the report of the commissioners.

Also the sum of	$ 641 00
As per bill of *extra* work.	
	$6,181 00
Deducted from the above, for unfinished work,	273 00
Due Rector,	$5,908 00

Second case—Mr. Bennett.

Mr. Barnum made a statement of the facts relative to the contract with Bennett.

Balance due Bennett on contract with commissioners, for work actually done on foundation for State House,	$125 00
Mr. Bennett allowed, for balance due on contract,	500 00
	$625 00

Mr. Chapman, lather and plasterer, presented his claim accompanied by a statement of the amount of work.

For work actually done,	$ 984 57
For estimated damages on contract, as allowed by commissioners,	1,000 00
	$1,984 57
Also, for additional profit,	250 00
	$2,234 57

Mr. Palmer, Painter and Glazier.

Due Mr. Palmer, for work actually done,	1,100 00
For window glass, cutting and letting,	192 00
	$1,292 00
For balance due as damages, for the unfinished portion of the contract	300 00
Due Cox & Palmer,	$1,592 00

Due Rector,	5,908 00
" Bennett,	625 00
" Chapman,	1,984 57
" Cox & Palmer,	1,592 00
	$10,129 57
Due commissioners,	1,500 00
Aggregate,	$11,629 57

Territory of Oregon,

In account with Wm. H. Rector.

For extra work done, and material furnished in the State House, not specified in contract, and accompanying drafts and specifications, to wit:

1854. Aug.	1.	To enlarging second story windows, 14, at five dollars,	$ 70 00
" "	1.	To 12 window lintels over first story windows, eight dollars,	96 00
" "	1.	To 300 feet of coppering on roof, 10c.,	30 00
" Dec.	1.	To 6 extra winders in principal stair-way, ten dollars,	60 00
" "	1.	To altering well hole and landing to stair-way,	35 00
" "	1.	To frontispiece, recess doors, and finish, at west entrance,	500 00
			$791 00

The commissioners have audited and allowed upon this bill as follows:

All of the five items, not including the last item of five hundred dollars, as rendered,	$291 00
For recess door and finish, extra from plan in detailed drawing,	350 00
	$641 00

E. M. BARNUM,
Pres. Board of Commissioners.

December 30, 1854.

The following is a schedule of the unfinished carpenter and joiners work on the State House in Salem, to wit:

Casing 14 windows, at three dollars per window,	$ 42 00
To finishing stairs,	100 00
" 5 doors, ten dollars,	50 00
" 610 feet of base boards, ten cents,	61 00
" putting to place 36 ceiling joists,	8 00
" fifty lbs. of nails,	6 00
Add, 2 extra windows added, three dollars each,	6 00
	$273 00

WM. H. RECTOR.

Number of yds. in walls of upper story of State House,	1,020
" " " basement story "	818
" " ceiling, above and below,	834
" " stairway circle and ceiling,	230
" " west doorway,	20
	2,922

Cost and amount of material.

58 bbls. lime, at eight dollars per bbl.,	$466 00
45,000 laths, at four dollars,	180 00
250 lbs. nails, at 10c.,	25 00
	$671 00

Cost of labor.

Lathing and plastering, 25c. per yard,	730 50
	$1,401 50

Amount of State House contract, when finished.

Plastering 2,922 yds., at $1 29,	$3,769 38
Labor done in straightening walls,	100 00
Setting 4 thimbles,	20 00
7 thimbles to set,	20 00
Profit on walls yet to straighten,	100 00
	$4,009 38
Deduct cost of material and labor,	1,402 50
The remainder is profit,	$2,606 88

To the Committee appointed on the part of the Council and House of Representatives of the Oregon Legislature, to inquire into the condition of the work done upon the State House, and the contracts existing in reference thereto.

William C. Griswold would respectfully submit to your Honorable Body, that on the 16th day of May, 1858, he became a contractor on the State House of Oregon, by means of an agreement, hereto annexed, made with E. M. Barnum, President of the Board of Commissioners for the erection of Public Buildings, by which agreement he undertook and contracted to lay up and erect the main and parti-walls of the said building, receiving therefor, remuneration at the rate of $30 per perch, according to the stipulations of said

agreement, to which your Honorable Committee are referred. That the whole work upon said walls, so contracted for, was estimated to exceed the amount of twenty-five thousand dollars, by the said board of commissioners. That upon entering into said contract, he proceeded to search for materials and stock, with which to perform his agreement, and in that matter lost much time, and expended money, for which he deems himself entitled to remuneration. That he contracted for large quantities of stone, and other materials, upon which he paid sums of money, to bind his contracts, and for which contracts he is now, and has been bounden to pay those with whom he contracted.

Your committee will see, by reference to a receipt hereto annexed, that such is the fact, as stated.

He would also submit, that upon said contract, he had estimated to make a reasonable profit, over and above the expenses incurred, and work done; that he was offered, by responsible persons, the amount of three thousand dollars to give to them his contract, upon the terms he had contracted under; that he had arranged and prepared all his plans, so as perfectly to comply with his contract, as above, when, during the winter session of the Legislature of 1853–4 the Legislature took from him all power to perform its stipulations, by resolution passed January 30th, 1854, vol. of O. Statutes, p 512, and the Legislature did this without repaying his expenditures, relieving him from the obligations of his contract, and the bond of $15,000 into which he had entered, with security, for the due performance of said contract, or making good to him any or all of the profits arising from the completion of said contract, which he had estimated as would arise. That upon the passage of said resolution, he did not then present to the commissioners or the Legislature his claim for damages, as he was fearful it would, in some degree, retard the work upon said building, and he was further assured by the commissioners, that he would lose none of his rights; that farther, during much of the time since then, he has been out of the territory, and unable to present his said claim, and now, learning that there is a proper body appointed to hear the claims of said contractors, he would respectfully submit his rights to damages upon his said contract, both for expenditures and profits which would certainly have accrued from said contract, as taken by him. That a fair estimate of these, as made by him, he would submit for your consideration, to be to the amount of five thousand dollars, and he asks that you will do him justice in examining into and passing upon his rights under said contract and security bond; and for this, he asks at your hands an assessment of the damages, and an allowance as is right in the premises.

W. C. GRISWOLD.

SALEM, *January 26th*, 1855.

Receipt.

Received of W. C. Griswold, twenty-five dollars, ($25), in part payment for a quantity of rock, as sold to him for the State House, for two hundred dollars. JOHN BLANTON.

SALEM, O. T., *July 8th*, 1853.

Contract.

Articles of Agreement made and entered into, this 16th day of May, 1853, by and between E. M. Barnum, President of the Board of Commissioners to superintend the erection of Public Buildings at the Seat of Government of the Territory of Oregon on the one part, and W. C. Griswold, of the county of Marion, and Territory aforesaid, of the other part,

Witnesseth, That the said Griswold, for the considerations hereafter mentioned, does for himself, his heirs, executors and administrators, covenant and agree with the said Barnum, President as aforesaid, and his successors in office, that he, the said William C. Griswold, will furnish, construct and erect, in a good and workmanlike manner, well and substantially, the entire stone walls, (main and parti), for the State House of the said Territory, agreeably to, and in accordance with the specifications and plans in the office of the said President of the Board, a copy of which said specifications are hereto attached, and made part of this agreement.

And the said E. M. Barnum, President as aforesaid, for and on behalf of the Commissioners aforesaid, and his and their successors in office, covenants and agrees with the said Griswold, to give or cause to be given unto him, his heirs, executors, administrators or assigns, a draft or drafts upon the Governor of said Territory, to be paid from the moneys appropriated by Congress, for the erection of Public Buildings at the Seat of Government of Oregon Territory, at the following rates or sums, to-wit: For each and every perch, or portion of 16 1-2 cubic feet of said stone work, openings included, furnished and constructed as aforesaid, the sum of thirty dollars, ($30.) The estimates of work done, shall be made and drafts drawn as aforesaid, at the end of each month, from and after the first day of July 1853; *provided*, that a draw-back or retention of twenty per cent. on all estimates, shall be made, in drawing the drafts, as part security for the progression of the work.

And, *provided further*, that so much of the work as shall be estimated to come within the amount heretofore appropriated by Congress, exclusive of all parts or portions drawn therefrom, for the foundation or other work in and about said State House, shall be done on or before the first day of December 1853. And thereafter, it shall be optional with the said Griswold to progress with the work,

or delay the same, until an additional sum shall be appropriated by Congress, for the erection of the State House. And, in either case, as soon as such additional appropriation shall be made, the said Griswold, upon the notification of the said Barnum, or his successor in office, shall forthwith proceed to said work, and so much as then may be remaining unfinished, shall be, within eighteen months from said notification, entirely finished and completed, in accordance with the plans and specifications aforesaid; *provided also*, that the work done within the year 1853, may be wholly or in part quarrying, delivering, and dressing of stone, without laying into walls, and proportionate estimates shall be made upon the same, at the times provided as aforesaid.

In witness whereof, the parties have hereto affixed their names and seals, the day and year first above written.

W. C. GRISWOLD.
E. M. BARNUM,
President of the Board.

Specifications of stone work for main walls of State House above the water table.

1. The walls from water table to top of second floor joist, 19 feet in height, are to be 2 feet thick; from said second floor joist to the entablature, 13 feet in height, are to be 18 inches thick; and thence to top of wall, or to lower edge of roof timbers, 6 feet 6 inches in height, are to be 22 inches thick, the 4 inches projection on entablature to be on external face of wall.

2. The antaes, as shown in drawings, to project from main wall 4 inches, and be 4 feet in breadth; the base of same to consist of simple torus, fillet, and cavetts, as shown in drawing C and G. The architrave and projections, as also the capital of antaes, to be as shown in drawing I.

3 The entire external walls to be of dressed ashler stone, rubbed down to a smooth surface, and neatly jointed in regular courses, and as nearly as may be, in adaptation to height of walls and size of apertures, of equal thickness, not less than 10 nor more than 12 inches; the joints in alternate courses to be in vertical lines for the entire height of walls, and the external face of dressed stone to be perpendicular over the dressed plane of stone in foundation walls.

4. In the corners of the antaes, as also in wall next to the antaes and all apertures, every alternate stone shall be a bond or through stone, as shown in drawing C, by letters "B. S."

5. The window sills to be 6 inches thick at outer edge, and beveled, as shown in drawing C, and the lintels to windows, as shown in drawing D. The sills for two outer doors are to be as shown in drawings E and F; and over each an arch is to be sprung in the walls.

6. The apertures for windows and doors shall be made to receive the work of the carpenters and joiners, according to plans and specifications of same, and receive timbers bedded in the walls, for the support of joist, or any other wood work in accordance with detailed drawings.

7. At the windows the walls shall be flared inwardly from the floor to top of windows; in the lower story one-half the thickness of wall; in the second story one-third the thickness of wall.

8. The cut or dressed shall be of the same kind with that used in the cut stone work of the foundation, and each and every stone shall be well bonded and securely tied in walls.

9. The rough stone or rouble work in walls, to be lain straight, true and plumb, square at the angles, and of well-formed large stone.

10. The parti-walls on each side of main hall, to be one foot thick, of the same material with the rouble work of main walls, or of well burnt brick. If of stone, each block to extend through the wall, and the whole finished to receive joists, and with aperture for doors, in conformity with plans and drawings.

11. The whole work to be lain in a good workmanlike manner, with well wrought mortar, compounded of not less than one-fourth good lime, to three-fourths clean sand, and all and singular in accordance with the plans and detailed drawings in the office of the Board of Commissioners on Public Buildings, at the Seat of Government of Oregon Territory, and to the satisfaction and acceptance of said Board.

12. In the south-west corner of main wall, at base of the antae, shall be lain a corner stone, extending entire across antaes each way, and through the wall, and of a thickness equal to the two lowe courses of stone.

13. In each end wall shall be placed four iron anchors, for the safe and secure support of walls, made fast to the floor and roof timbers, and all placed as directed by the Superintendent of the State House.

Bond.

Know all men by these presents, that we, William C. Griswold, Charles Bennett and Hiram Taylor, of the county of Marion, and Territory of Oregon, are held and firmly bound unto the people of said Territory, in the sum of fifteen thousand dollars, ($15,000), lawful money of the United States, for the payment of which, well and truly to be made, we hereby bind ourselves, our heirs, executors, and administrators, and each of them, firmly by these presents.

Sealed and dated this 16th day of May, 1853.

The condition of this obligation is such, that if the above bounden William C. Griswold, his heirs, executors and administrators, shall

well and truly perform, observe and fulfil, all and singular, the conditions and covenants which the said William C. Griswold hath agreed and covenanted to do and perform, in the articles of agreement hereto attached and belonging, then the obligation to be void. But if default be made in any of the covenants, agreements and conditions aforesaid, then to be and remain in full force and virtue.

W. C. GRISWOLD,
CHAS. BENNETT,
HIRAM TAYLOR.

MESSAGE

From the Governor in relation to the investigation of expenditure of the Penitentiary Fund.

EXECUTIVE OFFICE,
Salem, Dec. 21, 1854.

To the Council and House of Representatives of Oregon Territory:

I have the honor herewith to transmit, in accordance with the joint resolution of the Legislative Assembly of last session relating to investigation of expenditure of Penitentiary fund—page 149, Journal of House of Representatives, session 1853–4—the proceedings had under said resolution. My predecessor, Governor Davis, assigned to Mr. Campbell, of Portland, the investigation required by said resolution, by whom the report is made.

GEO. L. CURRY.

Account of moneys received and paid out by the commissioners appointed to superintend the erection of the Penitentiary at the City of Portland, O. T.

			Dr.
1853, Dec. 9.	To cash paid	W. H. Frush,	$2,800 00
	" "	A. B. Hallock,	179 75
	" "	D. H. Lownsdale,	600 00
	" "	Jno. O. Waterman,	25 00
	" "	S. J. McCormick,	25 00
	" "	Thos. J. Dryer,	14 00
	" "	Asahel Bush,	34 00
	" "	W. M. King,	250 00

	To cash paid Wm. M. King,		$ 375 00
	" " Samuel Parker,		120 00
	" " Shubrick Norris,		250 00
	" " " "		250 00
	" " " "		7 38
1853, Dec. 10,	" " D. H. Lownsdale,		20 00
" " 11,	" " N. C. Sturtevant,		8 00
" " 22,	" " Wm. M. King,		300 00
" " 22,	" " Thos. Stephens,		300 00
1854, Jan. 1.	To balance,		41 87
			$5,600 00
Cr.			
1853, Nov. 28.	By cash rec'd of J. W. Davis, treas'r,		$5,000 00
" Dec. 29.	" " " "		600 00
			$5,600 00
1854, Jan. 20.	By balance brought down, and remaining in the hands of the secretary, as per the books,		$41 87

SHUBRICK NORRIS,
Sec. to Board Com.

PORTLAND, O. T., Jan. 20, 1854.

PORTLAND, O. T., *June 30th*, 1854.

HON. J. W. DAVIS, *Governor of Oregon Territory:*

Sir:—Pursuant to resolution of the legislative assembly, and the instructions in your letter of 10th Febraury last, I have proceeded to examine into all matters connected with the expenditures of the penitentiary fund, so far as circumstances allowed. To obtain full knowledge of the facts, all parties were examined on oath, allowing each to question the others, whenever information could be obtained; the depositions and statement are herewith submitted. Every facility was afforded by all, to a full investigation. Pending the examination, the letters annexed, (marked D., E., and F), were received from Wm. H. Frush, and led to a portion of the testimony taken.

The first charge in the account of the late board of penitentiary commissioners, of date 20th January, 1854, is Dec. 9th, 1853, to cash paid W. H. Frush, $2,800. This is an account of grubbing and excavating the ground. Proposals for the work were published by the board; nine tenders were received, varying for the work, as done, from $15,502, the highest, to $3,200, the offer of Frush; the next lowest being that of T. Carter and D. H. Lownsdale, $4,731.

Contract was made with Frush 26th April, 1853. This required "all the work to be done under the supervision of the acting commissioner of the board." By the testimony it appears that Mr. King, the acting commissioner, pointed out to intending contractors the work he required to be done; that Frush, in June, 1853, completed the work to the satisfaction and acceptance of the acting commissioner, although no written acceptance was given until 25th January, 1854; that the acting commissioner directed him to cut down, rather than to take out, some stumps, part situated in a deep gulch, part between the site and the river—both places being then intended to be filled up and covered with earth—part situate between the ground excavated and the street, and on that account not required to be removed; that it would have cost but a trifle more to have them taken out, than to cut them down; that all interest of any other person in this contract is denied; that the reason assigned for not sooner formally accepting the work was, that no action was taken until the arrival of the fund; that an account of the extent of the work done was presented to the board on 9th December, 1853, by the acting commissioners, and an order of the board made in the following words: "On motion, the account of W. H. Frush, for clearing and grubbing the ground for the Penitentiary, amounting to thirty-two hundred dollars was allowed, and twenty-eight hundred dollars paid." The board having before them the acting commissioner's statement, do not seem then to have deemed a certificate of acceptance necessary. On the reasons for not paying the balance of four hundred dollars, some difference of opinion between Mr. King and Mr. Norris exists. It appears that Mr. Frush considered the work done. There were not funds in hand to pay all claims in full. It would appear from their statements probable that Mr. King considered that the work was done according to contract, and accepted; but that if any difference of opinion should afterwards arise about the few stumps left by his directions, Mr. Frush would rather take them out, though not bound to do so, than have any difficulty about so small an amount. I am induced to believe that this would have been done, had not the first statements made by Mr. G. D. R. Boyd, at Salem, led Mr. Frush to the belief that *his doing any work*, after the contract had been considered performed, would have been an *implied admission* that he had claimed from, and been allowed by the board, the full amount of an account for work not performed; that Mr. Norris, seeing a few stumps left, was desirous of retaining a sufficient amount to guarantee the performance of the contract in his opinion; that the whole amount was allowed by the board, and no outcry made of the reasons for retaining the balance thus allowed to be due, shows that no formal or explicit understanding was had, each acting on his own views as to the amount paid.

To cash paid A. B. Hallock, $179 75

This was for working plans, &c., and is deemed correct.

To cash paid D. H. Lownsdale,	$600 00
" " " W. M. King,	300 00
" " " Thos. Stephens,	300 00
	$1,200 00

This sum ($1,200) was paid for the ground, the prices charged are believed to have been at that time moderate and fair for lots in that situation.

To cash paid J. O. Waterman,	$25 00
" " " S. J. McCormick,	25 00
" " " Thos. J. Dryer,	14 00
" " " A. Bush,	34 00
	$98 00

This was paid for printing and advertising; the act requires proposals, &c., to be printed, the prices charged are usual and customary.

To cash paid S. Norris,	$7 38

Paid for books, &c., for board.

To cash paid D. H. Lownsdale,	20 00

Paid for surveying ground.

To cash paid N. C. Sturtevant,	8 00

Paid for searching for suitable stone.

To paid W. M. King,	625 00

This sum includes the per diem as commissioner, fifty days at five dollars per day, making two hundred and fifty dollars, and services as acting commissioner, seventy-five days at five dollars per day, three hundred and seventy-five dollars. The charge of three hundred and seventy-five dollars is claimed for the reasons set forth in Mr. King's statement annexed, and on the ground that while acting as commmissioner, at other times than the meetings of board, he was entitled to that rate of per diem. That Mr. King as acting commissioner, before the Board could decide whether to build with brick or stone, deemed it necessary to make search and inquiry for suitable stone, and for that purpose visited Astoria, Oak Point, Clackamas, &c., and laid out moneys in expenses in prosecuting inquiries, is admitted; and also, that such information was required, before the board could act understandingly. It is the *form of this charge* rather than its *substance*, which seems objectionable. The act limits the compensation of commissioners to five dollars for each day they shall serve, at any meeting of the board; with the further sum of one hundred dollars to the acting commissioner, per annum. Had a competent person, other than a commissioner, been employed for this purpose, objection might not have been taken to its payment.

Under the letter of the act, the compensation would be as follows:

To fifty-two day's attendance at meetings of the board, (this is the number shown by the record), at five dollars,	$260 00

To compensation from 3d February 1853, to 13th February 1854, at one hundred dollars per an., $102 80

$362 80

To paid Samuel Parker, $120 00

This is for services as commissioner. Mr. Parker, by the record, attended fifteen days. The above includes the time in coming to Portland.

To cash paid Shubrick Norris, $500 00

This is for fifty day's services as commissioner, at five dollars, and services as secretary to the board, at two hundred and fifty dollars.

On February 15th, 1853, Mr. Norris was elected Secretary by the board. On December 9th, 1853, the following entry is made: "On motion, the account of S. Norris, for services as secretary to the board, and as commissioner, amounting to five hundred dollars, was ordered to be paid." By the record, it appears that Mr. Norris acted throughout, as secretary, and from the extent of the labor performed, in keeping the records, preparing voluminous and minute specifications, &c., it would not seem that the amount charged, was unreasonably large.

The statement of Mr. Norris, annexed, (marked L,) shows the reasons which induced the board to believe they had authority to appoint one of their number, to act as secretary, and to compensate him for services performed in that capacity.

To those arguments it is replied, that the whole policy of the act of 28th January, 1853, was meant to exclude the commissioners from receiving any other compensation than that provided by the act, and to prevent them from, in any way, directly or indirectly, making their situation a source of profit or emolument to themselves. The legal questions raised by these claims of the commissioners, will be presented to the District Court of Washington county, at its next session in September, for adjudication, and its decision duly reported, to be filed herewith.

All which is respectfully submitted,

A. CAMPBELL.

(D.)

PORTLAND, *March 6th*, 1854.

WM. H. FRUSH—*Sir*: Yours of 4th instant, is received, and contents noted. I am ordered by the board of commissioners to say that the board cannot give a draft in your favor, for the amount which you claim, for the reason that they do not consider you have performed that portion of labor of grubbing the ground, as your

contract calls for. When you have performed the work, to the acceptance of this board, and under the supervision of the President Commissioner, you will then receive a draft, on Gov. J. W. Davis, for the amount due you. Yours, respectfully,

A. D. FITCH,
Secretary of Board of Com'rs on Penitentiary.

(E.)

PORTLAND, O. T. *March 4th*, 1854.

MR. A. CAMPBELL, *Commissioner, &c.--*

Sir :—Having contracted to grub, clear and excavate the grounds for the site of said Penitentiary, and having completed said contract according to the terms, and acceptance of the then acting commissioner, and an order having been passed by said board, on the 9th day of December 1853, in my favor, for thirty-two hundred dollars, the then board paid me of that amount, twenty-eight hundred dollars, leaving a balance on that order, due me, of four hundred dollars; the present board acting have refused to pay me the balance of said order. I have addressed them a written demand, which I here send you a copy. You will please call on all parties interested in this matter, and have the secrets (if any) explained, and reported in your official capacity.

I am, sir, respectfully yours,
WM. H. FRUSH.

(F.)

PORTLAND, O. T., *March 4th*, 1854.

To the Honorable Board of Commissioners
to build the Penitentiary, at Portland, O. T. :

Gentlemen Sirs :—By order of said board, passed on the 9th day of December, A. D. 1853, I was allowed the sum of thirty-two hundred dollars, for clearing and grubbing the ground for the Penitentiary. I have been paid twenty-eight hundred dollars on that order; there is now due me on said order, four hundred dollars, which you will please give me a draft for the money forthwith, or assign reasons to me in writing, why I am detained out of my money.

I am, gentlemen, respectfully yours,
(Duplicate.) WM. H. FRUSH.

(G.)

W. H. Frush's contract.

A contract made and entered into this 26th day of April, A. D. 1853, between Wm. M. King, Samuel Parker, and Shubrick Norris, commissioners to superintend the erection of the Penitentiary at the City of Portland, O. T., of the first part, and W. H. Frush, of the second part.

Witnesseth, That the party of the second part agrees to clear and grub the ground for the Penitentiary, commencing at a stake marked A, running three hundred and twenty-six feet south, to a stake marked B; thence, in an easterly direction, two hundred and eighty-one feet, eight inches, to a stake marked C; thence north, two hundred and twenty six feet, to a stake marked D; thence west, two hundred and sixty feet, to the beginning, or stake marked A. The manner of clearing to be as follows: All the timber to be burned on the ground, all the stumps, roots, and other matter to be burned, and grubbed out of the ground; also, to do all the excavating required; all the work to be done under the supervision of the acting commissioner of the board; all of said work to be completed on or before the 15th day of June, A. D. 1853.

Witnesseth, That the parties of the first part agree to pay to the second part, for clearing and grubbing the ground above described, the sum of nine hundred dollars; and they also agree to pay to the party of the second part, sixty cents per cubic yard for all the excavating he does on said ground, the money to be paid when the work is completed, provided the money has been received from the Governor by the commissioners.

Given under our seals this 26th day of April, A. D. 1853, at the office of the commissioners to superintend the erection of the Penitentiary.

WM. M. KING, } *Board of*
SHUBRICK NORRIS, } *Commissioners.*
W. H. FRUSH.

A true copy. }
A. CAMPBELL. }

OFFICE OF ACTING COMMISSIONER, }
January 25, 1854, }

I hereby certify that I have accepted the contract as completed, entered into on the 26th day of April, 1853, by Wm. H. Frush, for clearing, grubbing, and grading the ground for the Penitentiary.

WM. M. KING,
Acting Commissioner.

A true copy. }
A. CAMPBELL. }

(I.)

Hon. A. CAMPBELL, *Commissioner, &c.:*

Sir: Permit me to state to you the reason that induced the board to allow themselves pay for time other than when the board was in session. In the fifth section of the law in which we were appointed commissioners, it states that the commissioners should superintend all the work, and see to the fulfilment of all of the contracts for the erection of the Penitentiary. It will be remembered that there was a stipulated sum of one thousand dollars in the bill when it was introduced, and the amendment was offered to reduce the sum to one hundred dollars. The reason offered was, that the acting commissioner would receive five dollars per day for every day he was employed in the same, and it was on that ground that the salary was reduced to one hundred dollars. It was well known that it was not expected any person would perform the duty imposed by law for the sum named as salary in the bill. At the organization the Governor was present, and he entertained the same view; and I had never heard that view questioned until last winter. That the time was spent as charged and allowed by the board, I believe is not questioned. The money expense, in travelling in the performance of my duty, amounts to over one hundred and fifty-one dollars,* which has neither been charged or allowed—nothing but the time spent per day. In the report of the board of commissioners, the board referred the Legislature to that point, asking that a different law should be passed on that subject.

Very respectfully, yours,

WM. M. KING,
Late Acting Com.

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*NOTE.—Expenses to Astoria, looking for stone, $28 00
Expenses to Oak Point, " 17 00
Horse hire and expenses to Clackamas, looking for stone, 6 00
Expenses to Salem, to meet Governor Lane, 52 00
" to get S. Parker to attend the board, 50 00
Horse hire to mouth of Sandy, looking for stone, 5 00
Paid G. D. R. Boyd, for work in examining stone quarry, and assisting to take the measurement of work, 45 00
$203 00

The above sums have been actually paid out by me, and neither presented or allowed by the board.

WM. M. KING.

(L.)

Memorandum of services of Shubrick Norris, as Secretary of the Board of Commissioners to superintend the construction of the Penitentiary:

To recording proceedings of meetings of board,	50 a 2	$100	00
To copying specifications,	7 a 10	70	00
To drawing contracts,	4 a 10	40	00
To drawing notices for advertising, as per order of the board,	250	20	00
To copying two reports to Legislature,	a 10	20	00
		$250	00

In addition to the above, there was a great deal of other writing done, for which I have made no charge.

SHUBRICK NORRIS.

The act, passed January 28, 1853, entitled "An Act supplementary to an act, entitled an act to provide for the selection of places for the location and erection of the Public Buildings of the Territory of Oregon;" Section 1st, constitutes *three* persons therein named, the *Board of Commissioners* for the construction of the Penitentiary.

Mr. Norris is not one of the three so named and appointed. He came into the board by appointment, made by the Governor of the Territory, under the *fourth* section of the act, upon the declination of Nathaniel Ford to accept the office of commissioner. After Mr. Norris became a member of the board, he was chosen to fill the secretaryship. He did not suggest his own name, nor did he vote for himself for the place. His appointment as secretary, was therefore the result of action by the board, without his participation.

The act does not, *in express terms*, authorise the election of a secretary to the board. It does not say that a secretary shall be chosen. It designates no mode by which he may be chosen. But the tenor of the whole act plainly indicates that it was not only the intention of the Legislature that some person should be had as secretary, but that the Legislature intended to make it the duty of the board itself, to elect such officer in the mode they might elect.

Section 7th, of the act, speaks of the "secretary of the board." It is conclusive as to the aforementioned intention of the Legislative Assembly; and as that body did not itself name the person who should fill the office, nor pointed out the particular mode of his election, nor conferred upon the Governor of the Territory the power to appoint, we claim that it was the duty of the board itself, to make the election, and the board having elected Mr. Norris, that his election is good and valid. The business for which the board of com-

missioners was constituted, could not be prosecuted without a secretary.

Section 7th, defines one of the duties of this officer, showing the absolute necessity for his existence. A secretary being absolutely necessary, and there being no power to make the appointment, but that which is inherent in the board itself, the next step is to inquire *who* was capable of receiving such appointment.

In the act itself, there is nothing of a *directory* or *restrictive* character, as to the choice of a person for the place. The act does not provide that a member of the board should fill the office, neither is there anything in it tending to demonstrate that it was the intention of the Legislature that one of the members of the board should be chosen thereto, neither is there anything in the act prohibiting the election of one of the commissioners. The board saw fit to elect one of *its members to the secretaryship.*

Mr. Norris, as commissioner, is one personage—Mr. Norris, as secretary, is another—a different and distinct person officially. The duties of Mr. Norrris, as commissioner, are certain, fixed and prescribed by the Legislature. A compensation is established by the act for those services. As commissioner, Mr. Norris was under no obligation to perform the duties of the secretary; not more so than would E. F. have been under obligation to do and perform the labor of commissioner, when he was only the secretary to the board.

The complete duties of the secretary were not prescribed by law. That matter was left, to some extent, in the hands of the board. It could not have been the intention of the Legislature, that the secretary should perform the duties of the office, without a reasonable compensation therefor. Whatever Mr. Norris performed in the line of duty as secretary, and what such services were reasonably worth, that he is clearly entitled to have.

The board claimed to have authority to elect the secretary; to prescribe certain duties, labor or services which he should perform; and under the act itself, to fix the compensation for the *work* so done by him.

Mr. Norris performed his work to the satisfaction of the board, for which they paid to him the price agreed upon between the parties. The amount allowed to him, was far less than his labor was reasonably worth.

SHUBRICK NORRIS,
Per his attorney, W. H. FARRAR.

Depositions in the matter of expenditure of the Penitentiary Fund.

Dan'l H. Lowndale was called and sworn.

Question. State what you know concerning the value of the lots taken by the commissioners for the Penitentiary, at the time of taking?

Answer. At the time the lots were taken, lots in that neighbor-

hood were considered by me and other holders to be worth three hundred dollars each, where they were as eligibly situated, and as convenient to the river, as those taken for the Penitentiary.

Question. Whether, at the time of the purchase, did you not ask the sum of three hundred dollars each for the Penitentiary lots taken by the board, and owned by you?

Answer. I did, and in good faith.

Question. Whether or no were persons examined by the board as to the value of these lots, and what estimate was put upon?

Answer. Persons were examined, and the value was estimated, and none put them so low as the price allowed by the commissioners.

Question. Did or did not Messrs. Norris and King, as the board of commissioners, then say that if they could not be obtained for one hundred and fifty dollars each, they would appoint appraisers to appraise the lots?

Answer. After having insisted that the board should at least allow me two hundred and fifty dollars each for the lots, the board did make the above declaration, and by the advice of my friends, that I should not stand on the amount in matter of public utility, I consented to take one hundred and fifty dollars each.

Question. How many lots did you sell to the commissioners, and did you give deeds therefor?

Answer. Four; and I gave deeds for them.

Examination by A. Campbell—

Question. Did you at any time before September, 1853, own the whole of block No. 107, when did you sell any lots of it, to whom, and at what price, and how, and at what time?

Answer. On the 28th of June, 1851, I owned the whole block, having published a notice 17th of the same month, in the Times and Oregonian, by their numbers. On the 28th, and day aforesaid, I sold at aution lots Nos. 1, 2, 5 and 6, to the highest bidders. Thos. Stephens purchased 1 and 2, and Wm. M. King Nos. 5 and 6, in said block. Thomas Stephens paid fifty dollars each, and Wm. M. King paid forty-nine dollars each, for lots 5 and 6, for which I gave them deeds.

By Col. King—

At the time when the commissioners took the lots for the Penitentiary, to wit, the 17th day of February, 1853, who owned a fractional block, No. 106?

Answer. Wm. W. Chapman had previously a deed given him for said fraction, and I know of no change, never having heard him say he had sold it; but after the location had been made, he told me himself he yet held it.

By A. Campbell—

Question. For what were you paid the sum of twenty dollars, as charged by the commissioners?

Answer. For two day's service in surveying and measuring site of the Penitentiary.

D. H. LOWNSDALE.

Mr. Stephens called.

He said he owned lots Nos. 1 and 2, in block No. 107; and three hundred dollars each was as low as I was willing to take. Colonel King, at the time the bargain was being made, said that he must get them at the very lowest price, and I agreed to abide by their determination as to their worth; but I was unwilling to part with them for less than the sum above mentioned, until the commissioners determined to give me no more than one hundred and fifty dollars; and I would not have sold them at that time to a private individual for that sum.

Examination by A. Campbell—

I thought my lots Nos. 1 and 2 more valuable than Nos. 5 and 6, which were owned by Col. King. Had I have owned 5 and 6, I should not have been willing to take less than two hundred and fifty dollars each for them.

THOMAS STEPHENS.

Finice Caruthers was then called and sworn, and examined by Col. King—

He could hardly say what the lots on which the Penitentiary is to be erected would have been worth. He would value them from one hundred and fifty to two hundred dollars each. He regards the front lots as valuable property.

By A. Campbell—

He says he has resided in the neighborhood of, and in Portland about six years, on the adjoining claim. He owns some lots in Portland.

FINICE CARUTHERS.

James Terwilliger was called and sworn, and being examined by Col. King, says—

That he would give two hundred dollars per lot for corner lots on that street, and would think the others worth about fifty dollars less, and if he owned any of them, he would not take less than three hundred dollars for them.

By A. Campbell—

He says he came to Portland in November, 1845, and has resided there and in the neighborhood ever since, except the year 1848. He has bought and sold lots, but not in that vicinity.

JAMES TERWILLIGER.

Alonzo Leland was called and sworn, and examined by Col. King.

Mr. Leland says he was on the ground at two different times—once for determining the bounds of the Penitentiary lots, and again during the illness of Col. King. He requested him to go and set the stakes for the place where the building was to be placed, which he did with a common carpenter's level, which was the best instrument that he could procure, and placed stakes with the levels of cutting and filling marked upon them; but he never made any com-

putation of the number of yards which was to be done, but the stakes were placed to enable the workmen to go on with their work. The ground was cleared off at that time, so that a fair level could be obtained.

By A. Campbell—

He kept no memorandum by which he could now estimate the quantity of work to be done.

ALONZO LELAND.

Absalom B. Hallock was called, sworn, and examined by A. Campbell, he says—

That the bill shown to him and receipted, was for work and materials done and furnished by him at the request of the acting commissioner. His occupation is that of an architect and practical builder. The usual plan to obtain plans and specifications of this character is either by an offer of premiums, or by direct employment for that purpose. For building of the character of this, the premium would be from five hundred to one thousand dollars, which would include designs, specifications and working plans complete. It was necessary that this work should be done before the building could be proceeded with. He offered no plan for a building. He saw some designs and plans at the office of the acting commissioner, which the commissioner said were offered for the premiums. There were two designs offered by Pratt and Wood, and two by E. C. Baker. I should think that it would have taken five hundred thousand dollars to have completed a building according to either one of those plans. He knows but little of the plans of E. C. Baker, but he would suppose a building based upon either of the others would not have differed in cost one hundred thousand dollars.

By Col. King—

Question. Were you not instructed by the commissioners to get up a plan for the building called the north wing of the Penitentiary, competent to contain seventy-eight cells?

Answer. I was.

Question. Was not that the plan you furnished?

Answer. It was, and was drawn to a scale as a working plan.

Question. Did you charge more or less than your usual rates of day work for the getting up of that plan?

Answer. I charged no more than my usual rates for such work.

Examination by A. Campbell—

The plan of the north wing was so drawn as to form the part of a larger building.

A. B. HALLOCK.

Wm. H. Frush being called and sworn, and examined by Col. King, says:

Letter marked (A.) produced, was written by him in answer to note of the secretary of the board. He also produces what is a copy of his proposal, for clearing, grubbing and excavating of the

site of the Penitentiary, which, he says, is a true copy of the original, and is herewith filed, marked (B.) He says he entered into a contract, in accordance with the said proposal, which is among the papers relative to the Penitentiary. He made an estimate of the excavation, from the work, after it was completed, and he put it between 4,250 to 4,600 yards. I did not know what amount was measured to me by the commissioners. The work was accepted by the acting commissioner, on the 25th of January, 1854. I have been paid the sum of $2,800, the receipt for which is now shown me, a copy of which is annexed, marked (C.), dated January 5th, 1854; is in my handwriting and was executed by me.

By A. Campbell—

He says neither one or any of the commissioners were interested with him in his contract, and were not to receive any part of the profits arising therefrom. G. D. R. Boyd was employed by him. Mr. Boyd being in town, and unemployed, solicited me to employ him in clearing off the ground, and upon his request, I put him to work upon the job. He was in no manner interested with me in the job, and no part thereof was subject to him, and he was only as any other hand employed by me, and was the foreman of the men.

By Col. King—

He says he has another contract for the iron, and that neither Col. King, nor any other commissioner has any interest, either directly or indirectly, in the said contract, or any understanding of any kind, from which any of them could, or did, derive any benefit from the iron contract, or any other made by me, regarding any work about the Penitentiary. He says that at the time the iron work was allotted to him, he was dissatisfied with it. That in his proposal, he bid for the whole work, and accordingly, he did not expect that his proposal would be separated, but the commissioners selected only that portion which was lower than the others, under the same head. He says in regard to grubbing, and grading, and excavating contract, I heard it frequently said, that the work could not be done for the money. No part of any of the work which had been done by him, was sub-let to any one.

WM. H. FRUSH.

On the 29th day of June, 1854, the examination was resumed.

Mr. Fitch, one of the present commissioners of the Penitentiary, being present, Mr. A. Campbell proposed to him the following question:

Referring to your letter to Mr. Frush, dated 6th of March 1854, marked (D.), please state in what particulars, and to what extent, the present board of commissioners consider Mr. Frush to have failed, in performing his contract for the grubbing of the ground.

Answer. There were some few stumps which ought to have been taken out. It would require but little labor to complete it. It might be done at a cost of seventy-five or eighty dollars, and even less; he has never made any estimate; and the most of them are in

the gulch this side of the building, and some between the building and river, and some between the building and front street. He does not know whether they will be covered up, as the work is carried on. If the ground were going to be covered up deeply, they would not have to be taken out, unless there was a foundation laid there. Those in front of the building would have to be taken out.

Examination by Mr. Frush—

Mr. Fitch says he was not a commissioner when the contract with Mr. Frush was made, or when the work was done, or the work was accepted; none of the present board, at that time were in. Mr. Fitch is aware by the record of the former commissioners, that the work was accepted, and an allowance made on the books. There has been some portion of the allowance paid; it will appear from the books to be about twenty-eight hundred dollars; he thinks thirty-two hundred dollars was the allowance made, which would leave four hundred dollars unpaid. A. D. FITCH.

Territory of Oregon, Washington county, City of Portland, ss.

Subscribed and sworn to by A. D. Fitch, before me, at Portland, this 29th day of June, 1854. A. P. DENNISON,

City Recorder, and Justice of the Peace.

Mr. Frush is called and re-examined by A. Campbell—

State how, why, and in what manner the contract for grubbing, and clearing was performed, and accepted.

Answer. The work was to be done under the supervision and according to the directions of Col. King. It was done according to his directions, and was accepted by him in the manner that it was performed. If there were any stumps not taken out, it was because it was not directed, and my hands were not discharged, until the acting commissioner had declared the contract to have been completed. I cut off, and cut down the stumps, by the direction of the commissioner, and it would have cost but little more, if any, to have taken them out, than to do what I have done.

Examined by Mr. Fitch—

Did you not, at the time the work was formerly accepted, have some verbal agreement or understanding, that more grubbing was to be done, or such an understanding, at the time the allowance was made?

Answer. I had no such understanding or agreement at any time.

Examined by Col. King—

Were you ever shown, before the letting was made, what work, and in what manner, the grubbing and clearing was to be done, and has the work been done, as thus shown and described to you?

Answer. I was shown, before the contract was taken by me, by the acting commissioner, what work and how it was to be done, and the work has been done as then understood and directed. I did commence digging up the stumps on the side of the hill, but I quit by the direction of the acting commissioner, because they would leave

holes in the ground, and in place of being taken out, they were cut off. At the time of the acceptance, it was understood that I was to do the excavation for foundation walls of the building. I offered to do so, and sent my hands there for the purpose, and did not do so, because the acting commissioner requested me to desist, as he thought the excavation would fill up, and the sides crumble in, so that it would be an injury. I was not allowed for the excavation in my estimate.

WM. H. FRUSH.

Col. King examined by A. Campbell—

Will you state why the stumps were not taken out?

Answer. The place where the stumps are, is in a deep ravine. I had shown to all persons who came, the manner in which the work was to be done, and Mr. Frush, before the contract was taken; and as the ravine would have to be filled to a great depth, I thought it unnecessary to grub out the stumps, when, if cut off, they would be covered over. Those between the building and front street, were in a small angle of the lot on which no part of the building was to be erected, and I thought it unnecessary to have them grubbed out. There is but one between the site and the river; that has been burnt out, and will also be covered up. By the law and the contract I had a right to supervise the work. Though there was nothing said about embankment, in the contract, I directed Mr. Frush where to deposit the earth, for the purpose of squaring the site of the building, in the best possible manner, for which, he claims for all earth moved over one hundred feet, for an embankment, under the custom prevailing in cases of grading and excavation, but his claim was not allowed by the acting commissioner, or the board. There was no understanding or agreement with him, to take out these stumps, at the time the allowance was made.

Question. Why was not the written acceptance given until December?

Answer. There was nothing done, or thought necessary to be done, of this kind, until the money came.

Col. King says, in relation to the retention of the four hundred dollars—

There was no formal understanding about it. There was not money enough at that to have paid all the accounts in our hands at that time, and on same suggestion, it was understood that this amount would be retained. Mr. Norris suggested that contract was not completed.

WM. M. KING.

Mr. Norris was called and sworn, and examined by A. Campbell—

Question. Do you know anything about the work to be done by Wm. H. Frush?

Answer. All I know is, that a publication was made for proposals to do work then determined on by the board, according to spe-

cifications then made out. On opening the bids, the contract for grubbing and clearing was awarded to Mr. Frush on terms stated in the contract. Mr. Frush went on, under the directions of the acting commissioner, to do the work. The work was done in the months of May and June. From the time Mr. Frush stopped work, no action was taken by the board concerning his contract for three or four months, because there were no funds on hand. A week or two after the funds arrived, which was about the last of November, a meeting of the board was had, at which the accounts for the work done were handed in by the different contractors, with the exception of Wm. H. Frush's, which was handed in by Col. King. (When I say Col. King presented this account, I mean that he presented a written statement to the board of the amount of work done by Wm. H. Frush, and the calculations made, which I understood to be the only account of the work done by Wm. H. Frush, and on the faith of that account the allowance was made, and a blank receipt, in duplicate and bill, were handed to Mr. King, to procure Frush's signature thereto, with the money.) The several accounts were examined. The account of Wm. H. Frush, for grubbing, clearing, and excavating the site amounted to three thousand two hundred dollars. At that time, between the 1st and 25th of December, twenty-eight hundred dollars was paid to Col. King for the said Frush. The reason, as I understood it, why the remaining four hundred was not paid, was because the whole work had not been done according to the contract up to that time. When afterward the commissioners were called upon for a report of expenditures, Col. King was sick in bed, and as I had to make to make out the report, and had all the vouchers in my hands, except for the payment to Frush, I called on Col. King for the receipt for the twenty-eight hundred. This was some time in January, 1854; I think about the last of the month. He stated that he had no receipt. I then called on Mr. Frush. He declined giving a receipt until the remaining four hundred dollars was paid. I made out the report, stating there was no voucher for this payment. Shortly after the last report was made, Mr. Frush handed to me a written acceptance for the work, signed by the acting commissioner.

When we considered what amount was due to Mr. Frush, it was suggested by me, and, as I understood, acquiesced in by the board, that the work had not been done according to the terms of the contract, and this four hundred dollars was retained on that account. I do not remember all the particulars that were considered a failure; not grubbing all the stumps was among the number.

By A. Campbell—

Question. Why did you, as secretary, enter on the books, and sign the minutes, which state that three thousand two hundred dollars was allowed to Wm. H. Frush, being the whole amount of his account, when you at the same time considered the work as not performed?

Answer. The bill of Wm. H. Frush, when presented, showed

that the excavation amounted to two thousand three hundred dollars. By the contract he was to receive, for clearing and grubbing, nine hundred dollars. This was found to make three thousand two hundred dollars; and this amount was allowed to be a correct statement, but the payment of the full amount was objected to on the grounds before stated.

Question. Why did you not state the objections to a payment in full when you made the entry upon the minutes?

Answer. The commissioners were all agreed about the matter. I had no idea of any future difficulty about it. We made no estimate of how much ought to be deducted; but all seemed to think we ought to retain enough, and settled on this amount.

Examination by Col. King—

Question. Had not money been borrowed by me and advanced to Mr. Frush on the prosecution of this work?

Answer. I do not know, of my own knowledge. I have heard you say so, and loaned you a small amount, which you said was for that purpose. I have heard Mr. Ladd say that he loaned you some. I was paid by you when the funds came on, and I think Mr. Ladd was.

Examination by Frush—

Question. Did you not state, between the time when I stopped work and when the allowance was made, that my contract was completed, according to the contract?

Answer. I did not so state, but on the contrary I thought it had not been. I do not remember to have so told Mr. Frush, but I have said so to others.

SHUBRICK NORRIS.

Territory of Oregon, Washington county, City of Portland, ss.

Subscribed and sworn to before me this 29th day of June, 1854.

A. P. DENNISON,
City Recorder, and Justice of the Peace.

Oregon Territory, Washington county, ss.

I do hereby certify that the foregoing depositions of Thomas Stephens, Dan'l H. Lownsdale, Finice Caruthers, James Terwilliger, Alonzo Leland, Absalom B. Hallock, Wm. H. Frush, and William M. King, were duly taken, subscribed and sworn before me at Portland, in said county.

ANTHONY L. DAVIS,
Justice of the Peace.

Exhibit—(A.)

PORTLAND, *April* 25, 1853.

To the Board of Commissioners:

I acknowledge the receipt of your notice, through your secretary, of April 23d, informing me of your allotment to me the contract for clearing, grubbing and grading the site for the Penitentiary at Portland, which I with pleasure accept at the hands of the commissioners, and will attend at your office, by request, at 5 o'clock, P. M., on the 25th instant.

I am, gentlemen, respectfully yours,

WM. H. FRUSH.

Exhibit—(B.)

PORTLAND, O. T., *April* 20, 1853.

To the Commisioners for building the Penitentiary:

I propose to clear and grub the site for the Penitentiary in the city of Portland, for the sum of nine hundred dollars.

Also, to do all the excavation required to be done at 60c. per cubic yard.

WM. H. FRUSH.

Exhibit—(C.)

PORTLAND, O. T., *January* 5, 1854.

Received of William M. King, acting commissioner of the Penitentiary, twenty-eight hundred dollars, on my contract for grubbing, clearing and grading the grounds for the Penitentiary.

WM. H. FRUSH.

A true copy.
A. CAMPBELL.

Supplementary Report.

SALEM, *December* 20, 1854.

HON. GEO. L. CURRY, *Governor of Oregon:*

Sir: In accordance with the suggestion of Governor Davis, the questions of the right of Mr. S. Norris, one of the late commis-

sioners of the Penitentiary, to be paid for services performed as "secretary" to the board of Penitentiary commissioners, and of Mr. W. M. King to be paid for extra services rendered as "acting commissioner," have been submitted to the district court of Washington county, and considered and decided on written statements of the facts and arguments, as follows:

In the case of Mr. Norris, the court decide, that as the board could not draw money from the treasury, without an order, countersigned by the secretary, it was necessary to the discharge of their duties that they should have such an officer; and as no mode was provided for the appointment of such officer, the duty of appointing one necessarily devolved on the board; that the power to employ a secretary includes the power to make him a compensation in the absence of any law to the contrary, also the power to exercise their own discretion in respect to the person to be appointed; that they could select and employ one of their own number for that purpose, since the duties of the employment are not inconsistent with his duties as a member of the board; and, indeed, it might be more discreet to entrust the books, contracts, and records in the hands of a member of the board, than in the hands of a stranger; and so the court were of opinion that the board had authority to compensate Mr. Norris for his services as secretary of the board.

The exhibit A is a copy of the case submitted to the court.

In the case of Mr. King, the court decide that the services for which extra compensation is claimed, appearing by the argued case to have been performed in the capacity of "acting commissioner," whose salary is fixed by law, it is not competent for the board to make to him any extra compensation for such official service.

The exhibit B annexed is a copy of this case as submitted to the court.

Respectfully, your humble servant,

A. CAMPBELL.

(A.)

Territory of Oregon, } District court of Washington county.
vs. } Statement of facts submitted without suit.
Shubrick Norris, }

On the 14th February, 1853, Shubrick Norris became, by appointment from the Governor of Oregon Territory, one of the board of commissioners for the construction of a Penitentiary, and duly qualified as such under an act entitled "An act to provide for the selection of places for the location and erection of the public buildings of the Territory of Oregon," passed the House of Representatives January 10, 1853, passed the Council January 28, 1853, and continued to act in that capacity until the 13th February, 1854, dis-

charging the duties of such commissioner. On the 15th day of February, 1853, he was elected secretary of the board, and an order entered on the record of their proceedings, in the following words:

"Present—Wm. M. King, Samuel Parker, Shubrick Norris.
"On motion,
"Shubrick Norris is unanimously elected secretary of the board."

King, Parker and Norris then formed the board.

Norris, as secretary, kept the records of the board, prepared the various contracts, specifications, copies, &c., and attended to the duties which usually devolve on a secretary, until the 20th day of December, 1853, aforesaid.

He charges, as commissioner, the regular allowance under the act of five dollars per day, amounting to two hundred and fifty dollars, and the further sum of two hundred and fifty dollars, for performing duties of secretary to the board, as per allowance of said board. It is not denied that those services, if performed by a person other than a commissioner, would have have been reasonably worth the sum of two hundred and fifty dollars. On the 9th of December, 1853, the board passed the following order of allowance, entered on their records:

"On motion,
"The account of Shubrick Norris, for services as secretary of the board of commissioners, amounting to five hundred dollars, was ordered to be paid.

"W. M. KING, *Pres. Board.*
"SHUBRICK NORRIS, *Sec'y.*"

This entry contains an error—two hundred and fifty dollars only being charged as secretary, the remaining two hundred and fifty dollars being the per diem under the act. Mr. Norris has received out of the Penitentiary fund the sum of five hundred dollars.

The question presented to the court for decision is this: Has the commissioners the right at law to appoint one of their number to the office of secretary, and to pay him for his services as such any sum beyond the per diem allowed him by the act as commissioner?

If the court should be of opinion that Mr. Norris was legally appointed and entitled to his pay as secretary, the judgment would be in favor of defendant; if otherwise, in favor of the Territory of Oregon, for the sum of two hundred and fifty dollars.

A. CAMPBELL,
Att'y for Oregon Territory.
W. H. FARRAR,
Att'y for Defendant.

Alexander Campbell, being first duly sworn, says that the controversy in the foregoing suit is real, and that the proceedings are in good faith, to determine the rights of the parties; that they have

been instituted for that purpose by the direction of the Hon. John W. Davis, late Governor of Oregon, to this affiant, and within his knowledge.

A. CAMPBELL.

Subscribed and sworn to before me this 12th day of December, A. D. 1854.

CHESTER N. TERRY,
Judge of Probate.

(B.)

Territory of Oregon, } District court of Washington county.
vs. } Statement of facts submitted without
William M. King, } suit.

By an act entitled "An act supplementary to an act entitled an act to provide for the selection of places for the location and erection of public buildings of the Territory of Oregon—passed the House of Representatives 10th January, 1853, and the Council 28th January, 1853," Wm. M. King was appointed one of the board of commissioners for the construction of a Penitentiary, and on the 2d February, of same year, qualified, and acted as such until the 13th day of February, 1854. On the 15th day of February, 1853, he was duly elected to serve as "acting commissioner." The entry thereof on the records of the board is as follows:

"On motion,

"William M. King was unanimously elected acting commissioner of the board."

He acted as such until the 13th day of February, 1856, aforesaid, made journeys to Clatsop county and other places, searching for suitable stone for building, looking after the execution of contracts, specifications, &c., and attended to the duties which devolve on the acting commissioner. He charges, and has received from the Penitentiary fund, the regular allowance of five dollars per diem, as commissioner, amounting to two hundred and fifty dollars, and also five dollars per diem, for seventy-five days, amounting to three hundred and seventy-five dollars, for services as acting commissioner. It is not denied that the services performed occupied the time charged, and were (together with the traveling expenses and outlay necessarily paid out, and not charged) worth the sum claimed. It is also admitted that, under the act, he is entitled to compensation as acting commissioner, over and above his per diem as commissioner, at the rate of one hundred dollars per annum. On the 9th December, 1853, the board passed the following order of allowance, entered on their records:

"On motion,

"The account of Wm. M. King, as commissioner and acting commissioner, amounting to six hundred and twenty-five dollars, was ordered to be paid."

The question presented to the court for decision is this: Can the acting commissioner, while in receipt of his per diem allowance as commissioner, legally claim and receive more than at the rate of one hundred dollars per annum for services as acting commissioner. If he can claim and receive more, the decision to be in favor of defendant; if he is by the act limited to the compensation of one hundred dollars per annum, the decision to be in favor of the Territory, for the sum of two hundred and seventy-three dollars and three cents, being the difference between the three hundred and seventy-five dollars received, and the sum of one hundred and two dollars and ninety-seven cents allowance for one year and eleven days, at one hundred dollars per annum.

A. CAMPBELL,
Att'y for Territory of Oregon.
W. H. FARRAR,
Att'y for Defendant.

Alexander Campbell, above named, being first duly sworn, says that the controversy in the above suit is real, and that the proceedings are in good faith to determine the rights of the parties; that they have been instituted for that purpose by direction of Hon. John W. Davis, late Governor of Oregon, to this affiant, and within his knowledge.

A. CAMPBELL.

Subscribed and sworn to before me this 13th day of December, A. D. 1854.

CHESTER N. TERRY,
Judge of Probate.

Letter of A. Campbell, enclosing accounts incident to investigation of Penitentiary accounts.

SALEM, *December 20th*, 1854.

HON. G. L. CURRY, *Governor of Oregon:*

Sir: Herewith, I enclose my account for services in conducting examination of Penitentiary accounts, and for two suits submitted on statement of facts, and written arguments—amounting in all to two hundred and fifty dollars. I have made the charge as moderate as the time and labor would have required if the proceedings had been conducted for an individual.

Enclosed, also, please find account of Mr. Chinn, for taking depo-

sitions—ten dollars; and for M. Dennison, for use of room, &c.—six dollars; and for A. Davis, Esq., for swearing witnesses &c.—four dollars; which are correct.

Respectfully, your humble servant,

A. CAMPBELL.

Territory of Oregon,

To Anthony L. Davis, J. P., Dr.

For swearing eight witnesses in examination of Penitentiary accounts, and certificate; $4 00

June 29, 1854.

Territory of Oregon,

To A. P. Dennison, Dr.

For rent of room, two days, for commissioners' court, $5 00

For swearing A. D. Fitch and S. Norris, 1 00

Rec'd paym't. $6 00

PORTLAND, *June* 29, 1854.

Territory of Oregon,

To Mark A. Chinn, Dr.

To services as clerk, under resolutions to inquire into accounts of Penitentiary commissioners, two days, $10 00

MARK A. CHINN.

June 29, 1854.

Territory of Oregon Penitentiary Fund,

To A. Campbell, Dr.

To professional services in examining into expenditure of the Penitentiary fund, the performance of contracts, &c.; preparing report of same; preparing and submitting two suits on written statement of facts, with written arguments--Territory *vs.* Norris, Terrritory *vs.* King—per order of Governor Davis, under resolutions of Legislative Assembly, $250 00

A. CAMPBELL.

December 20, 1854.

REPORT

Of the Joint Committee on a Message from the Governor in relation to the massacre of Immigrants last season by the Snake Indians.

The joint committee, to whom was referred a message from His Excellency the Governor, in relation to the massacre of a portion of the immigrants of last season near Fort Boise by Indians, report—

Your committee have had the same under consideration until this late hour of the session, hoping that the mails from the United States would arrive and bring some official intelligence of the action of the general government in the premises.

Your committee, within the last two or three days, have received a copy of a communication from the Secretary of War of the United States to the Hon. Joseph Lane, dated Washington City, November 27th, 1854, in relation to the late massacre of immigrants by the Snake Indians, which is herewith submitted.

Your committee, in view of the contemplated action by the general government, set forth in the communication alluded to, and entertaining doubts as to the policy of any action on the part of this Legislative Assembly in the premises, would therefore recommend that no action be taken by this Assembly calling out volunteers, believing that in case the general government should not furnish the necessary forces required for the protection of the immigrants the coming season, and to bring to justice those Indians that were engaged in the inhuman massacre, the Governor is fully clothed with the necessary authority to meet any and all exigencies, that he could have by any act of this Assembly. Your committee are of opinion that in case the general government should not place upon the several immigrant routes a considerable armed force early in the spring, that the Governor should and will call out the necessary forces to give protection to the immigrants, and to bring those Indians speedily to justice who were engaged in the massacre of Alexander Ward and others, near Fort Boise.

L. ELKINS,
Chairman on part of the House.

Letter from the Secretary of War to Gen. Joseph Lane.

WAR DEPARTMENT,
WASHINGTON, *November* 27, 1854.

Sir:—I have the honor to acknowledge the receipt of your letter of the 13th instant, enclosing a copy of correspondence between the Acting Governer and General Nesmith and others of Oregon, with regard to the late massacre of emigrants by the Snake Indians, and to the calling out of two companies of mounted volunteers for six months, which call, for the reasons set forth in the correspondence, was subsequently revoked.

You ask if measures suited to the exigency of the occasion will be taken—what amount of force can be furnished, and at what time it may be expected to reach Oregon?

In reply, I have to inform you that the total strength of the force, dragoons, artillery and infantry, now in the Department of the Pacific is about 1,200. Of this number, nine companies of infantry, 335 strong, are stationed in Oregon and Washington Territories. An additional regiment of infantry is now under orders for the Pacific, six companies of which will proceed, by way of the Isthmus, to Oregon, and the remaining four, now on the western frontier at Forts Hall and Laramie, will move across the country to Oregon in the spring; about which time the two companies of artillery, and the detachment of dragoon recruits, with horses, now at Salt Lake, will also proceed to the Pacific. The companies of infantry, now in Oregon, will also be filled up to the maximum strength allowed by law.

This force, it is believed, will be ready for active operations at the earliest moment the season will permit an expedition against the Indians to set out.

Owing to the very limited strength of the army, and the demands for troops in other sections of the country, the amount of force above specified is all that can be spared for service on the Pacific.

Very respectfully, your ob't serv't,

JEFF. DAVIS,
Secretary of War.

Hon. JOSEPH LANE, *Washington.*

MESSAGE.

To the Council and House of Representatives of Oregon Territory:

In accordance with the third section of the law providing for the erection of the public buildings, I have the honor to submit the subjoined report of the disbursements and condition of the fund appropriated by Congress for such purpose:

Balance unexpended on Jan 4, 1854, as reported by my predecessor Governor Davis,			$10,125 13
Date of draft.		*In whose favor.*	*Amount.*
Dec. 27, 1853,		John O. Waterman,	$ 54 00
Feb. 9, 1854,		David Newsom,	23 40
March 28,	"	A. W. Ferguson,	150 00
May 13,	"	W. H. Rector,	1,000 00
June 5,	"	W. H. Rector,	3,000 00
" 17,	"	A. L. Caldwell,	90 00
July 3,	"	W. H. Rector,	1,600 00
" 15,	"	Draft No. 6,259 returned to Treasury Department for renewal,	2,000 00
" 29,	"	W. H. Rector,	2,000 00
		Amount turned over by my predecessor, Gov. Davis, Aug. 1, '54,	207 73
		Amount turned over by my predecessor, Gov. Davis, Aug. 1, '54, being the balance unexpended of the $5,000 appropriated by act of August 14, 1848,	2,500 00
		Total amount receipted for by me,	2,707 73
Aug. 14,	"	James Strang,	86 40
Sept. 14,	"	W. H. Rector,	1,800 00
" 19,	"	Asahel Bush,	67 00
Nov. 23,	"	C. A. Reed,	15 00
" 25,	"	E. M. Barnum,	12 00
Dec. 4,	"	W. H. Rector,	35 00
" 11,	"	James Strang,	15 00
" 13,	"	Joseph Latshaw,	25 00
" "	"	C. A. Reed,	51 00
		Balance in my hands,	601 33

Respectfully submitted,

GEO. L. CURRY,

REPORT

Of Select Committee on the "Report of State House Commissioners, made January 26, 1855."

The select committee, to which was referred "Report of State House Commissioners, made Jan. 26, 1855," have had the same under consideration, and beg leave to submit the following report:

The committee find that on the 14th day of August, 1848, Congress appropriated the sum of five thousand dollars for erecting suitable public buildings for this Territory, to be applied by John P. Gaines, the then Governor of Oregon; that on the 22d day of March, 1853, $2,500 of the aforesaid $5,000 was paid, as an advance payment on a contract for work and materials on the State House, by Wm. H. Rector; and on the 22d day of May, 1854, the remaining $2,500 were paid over, by the direction of Ex-Governor Gaines, to the then Governor, Jno. W. Davis, to be by him applied to the erection of suitable buildings at the seat of government.

The committee find by the report of the State House commissioners that at the time the Legislative Assembly passed the resolution authorizing said commissioners to call upon Ex-Governor Gaines to furnish vouchers of such expenditures as might have been made in the premises, &c., and to report to the present Assembly in relation to the premises, there was the sum of twenty-five hundred dollars in the hands of Ex-Governor Gaines, unapplied to the purposes for which it was appropriated. But the report of the said commissioners furnishes sufficient evidence to satisfy your committee that Ex-Governor Gaines never contemplated any other disposition of the beforementioned sum of twenty-five hundred dollars, than that prescribed by law.

All of which is respectfully submitted.

DELAZON SMITH,
Chairman.

REPORT.

The special committee to whom was referred the memorial of the city of Portland in relation to the burning of the city jail, report that they have had the same under consideration.

They find, from the examination of witnesses, that the city of Portland had, previous to the Autumn of 1853, erected a good, substantial jail, at a cost of some fourteen hundred dollars; that the penitentiary commissioners took possession of said jail with the permission of the city authority, as stated in the memorial, and whilst in their exclusive possession, and under their control—they having several penitentiary convicts confined therein—the said jail was burnt by the convicts therein confined, so that the same was totally lost to the said city.

Your committee would report that they believe the sum of $1,000 would at this time build as good a jail as the one burned, and that the city is to be indemnified by the Territory therefor, and for that purpose report a bill.

D. LOGAN, *Chairman.*

REPORT.

The minority portion of your committee, to whom was referred the bill for the relief of Addison R. Flint, for one hundred and eighty dollars, for services rendered to the Territory of Oregon in viewing and locating a territorial road in the said Territory, authorized by an act of the Legislature of 1851–'52, beg leave to state that the bill should not pass.

It is true that the said Flint was appointed by the Legislature to view and locate a territorial road from Corvallis to Winchester, which he failed to do according to the said act, yet, notwithstanding his non-compliance with said act, petitioned the Legislature of 1853–'54 for pay for said services. Notwithstanding the failure on his part, he was granted relief to the amount of fifty-four dollars, which there is nothing to show to your committee that the said sum has not been received by said Flint. Therefore, I hope that this bill will not pass this House.

N. FORD.